

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Records Management Policy

Purpose

The Board of Directors of the Center for Creativity, Innovation, and Discovery is committed to ensuring that the school's records are managed in an efficient and responsible manner. Therefore, the Board delegates to the Administration the responsibility for establishing criteria for maintaining, classifying, preserving, accessing, and destroying school records in compliance with Title 63G, Chapter 2, Government Records Access and Management Act, the Family Educational Rights and Privacy Act (FERPA), and retention schedules approved by the Utah Division of Archives and Record Services.

Records Management Procedures

The Executive Director shall be designated as the Privacy Officer for the school. The Executive Director will also serve as the Records Officer or shall designate a staff member as the Records Officer. Records shall be managed under the direction of the Executive Director and designated staff.

- The Executive Director will be responsible to ensure that counselors, teachers, secretaries, and assistants are appropriately trained in record keeping and follow this policy.
- The Records Officer will be responsible for classifying and maintaining records in accordance with this policy and state record retention schedules.
- The Business Manager will manage and maintain all documents related to fiscal matters such as property, budgets, payroll, accounts, contracts, and employment documents.
- The Executive Director or designated staff will manage records related to personnel, students, and other internal school matters.
- 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.
- The Board Secretary, in collaboration with the Executive Director, will supervise and maintain board records, board agendas, board minutes, and all other board documents.
- The Records Officer will serve as the school's liaison to the State Archives.

Classification of Records

All school records shall be classified as public, private, controlled, protected, or restricted.

Public Records: Public records as described in Utah Code §63G-2-301 shall include:

- Official minutes, actions and decisions of the Board of Directors and Administration unless the record involves information which is classified as private, controlled, or protected.
- Official board and 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.
- Public records shall be open for public inspection during regular office hours as described below.

Private Records: Private records are those set forth in Utah Code §63G-2-303 including:

- Personnel files such as 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 conditions, and military status.
- Individual student records.
- Private records shall be open only to the subject of the record and other authorized individuals or agencies.
- Access to student records shall be provided in accordance with the Family Educational Rights and Privacy Act (FERPA).

Controlled Records: Controlled records are those set forth in Utah Code §63G-2-304 including:

- Records containing medical, psychiatric, or physiological data on an individual, which, if disclosed, could 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 are those set forth in Utah Code §63G-2-305 including:

- 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 Act.
- Test questions.
- Protected records shall be open only to authorized individuals and agencies or in response to court order.

Restricted Records: Restricted records as set forth in Utah Code §63G-2-201(3)(b) shall include student records protected by the Family Educational Rights and Privacy Act (FERPA). Access to student records shall be provided in accordance with the Family Educational Rights and Privacy Act (FERPA).

Access to General School Records

Individuals requesting to view records classified as private, controlled, protected, or restricted shall be required to submit their request through the Utah Open Records Portal.

- Requesters must prove their right to access the record through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
- The Records Officer will review each request as soon as reasonably possible but not more than 10 working days from the date the request was received.
- The Records officer will:
 - Approve the request and provide records;
 - Deny the request and provide notice of denial, including the right to appeal;
 - Notify the requester that the school does not maintain the record and provide, if known, the name and address of the governmental entity that does maintain the record; or
 - Notify the requester that the school cannot approve or deny the request because of extraordinary circumstances consistent with Utah Code §63G-2-204 and provide a description of the circumstances and when the records will be available.

Appeals Process for General School Records

Appeals to the Executive Director will follow the process outlined in Utah Code §63G-2-401:

- A notice of appeal shall be filed with the Executive Director within 30 days after receiving a notice of a denial.
- The notice of appeal shall contain the name, mailing address, and daytime telephone number of the requester or interested party and the relief sought.
- If the Executive Director affirms a denial of a record request, an appeal may be made to the State Records Committee or district court, as outlined in Utah Code §63G-2-402 and §63G-2-403.

Cost of Accessing and Copying School Records

Fees for Accessing Records

- If public access is granted to view or inspect school records, files, or documents, unless a waiver of fees is granted under Utah Code §63G-2-203(4), the school will charge for all personnel time necessary to facilitate such access.
- The school will also charge for personnel time necessary for information involving searches. Fees will be based on the actual salary and benefit costs of the employee managing the search in order to fulfill the request.
- Should a requestor request a document that does not already exist, and if the school agrees to prepare such a document at its sole discretion, all personnel time in actual salary and benefit costs and duplicating costs to prepare that document will be charged to the requestor.
- If possible, the school will estimate the preparation cost for providing documents in advance; and if the projected costs exceed \$50, the school will require the funds from the requestor prior to preparing the requested materials.

Fees for Copying Materials

The school will charge a fee for duplicating its records that is equal to the actual duplication cost plus any employee time involved.

- The school will refuse to allow duplication of copyrighted materials.
- The school will charge 50 cents per page for duplicating records.
- If more than 15 minutes of research is involved in copying materials, the school will charge for all personnel time in actual salary and benefit costs of the employee copying materials in fulfillment of the GRAMA or other record request.

Limitations on Accessing General School Records

In response to a GRAMA request, the school is not required to:

- Create a document or file;
- 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,
- Fulfill a person's request if the record requested is accessible in the identical physical form and content in a publication or product produced by another government entity; or,
- Fulfill a person's request if the school specifies where the record can be found or accessed through a site or product.
- Fulfill a person's request for records intended to be used for marketing or recruitment.

Retention of General School Records

- The school 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 per state guidelines shall be retained. The school will not retain other confidential records.

Management of Student Records

The Executive Director will receive requests to access student records and determine whether access is to be granted or denied.

- The Executive Director will be responsible to ensure that student records are appropriately maintained in safe, secure files which will protect the documents and ensure privacy.
- The Executive Director will 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, will be responsible to ensure that attendance rolls, student progress reports, grades, health cards, and other necessary student records are prepared and maintained in accordance with this policy, and with all federal, state and local laws.

Confidentiality of Student Records

Employees and volunteers in public schools who have access to student records shall receive appropriate training annually regarding the confidentiality of student records and information, including an overview of all federal, state, and local laws that pertain to the privacy of students, their parents, and their families.

- All student records that are electronically maintained shall require password protection.
- An employee or volunteer shall not share, disclose, or disseminate passwords for electronic maintenance or access to student records.
- All public education employees and volunteers have a responsibility to protect confidential student information and access records only as necessary for their assignments.
- Public education employees shall maintain confidentiality concerning a student unless revealing confidential information to authorized persons serves the best interest of the student and serves a lawful purpose.
- Failure to adhere to confidentiality laws and policies may result in licensing discipline as defined in R277-217, Educator Standards and LEA Reporting.

Student Records in a Health or Safety Emergency

- In accordance with the Family Educational Rights and Privacy Act (FERPA), if a student poses an articulable and significant threat to the health or safety of the student or other individuals, an educational agency or institution may disclose, without consent, personally identifiable information from a student's education record to any official whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- Educational agencies and institutions shall record the articulable and significant threat that formed the basis for a disclosure under the health or safety emergency, and the parties to whom the information was disclosed.

Access to Student Records

Student Records Classification

All documents in the cumulative or permanent student record, 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 the school at registration.

Limitations on Accessing Student Records

Information on access rights to student records shall be distributed to parents and guardians as part of the school's registration packet. Authorized individuals wishing to access student records must submit a new request each time records are requested. Standing requests will not be honored. Student records may only be accessed by:

- Authorized school personnel having responsibility for the student's educational program;
- Individuals conducting school, state, or federal audits of educational programs;
- Parents or guardians, unless prohibited by court order;
- Eligible students who are 18 years of age or older or who are married or enrolled in postsecondary education programs;
- A non-custodial parent who has made a written request to obtain their student's written educational record;
- A custodial step-parent who has made a written request to obtain written education records only;
- A noncustodial step-parent who has received approval in writing from the custodial parent.

Prohibitions on Access to Student Records

- Access to student records shall not be given to individuals other than those listed 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.

Procedure for Accessing Student Records

Requests to access student records should be addressed to the Executive Director and submitted in writing.

- The requester must prove their 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.
- The Executive Director shall determine whether access to the requested student record(s) 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 for Accessing Student Records

- The requester shall file a written request for a hearing with the Board Chair at least ten days before the requested hearing date.
- Upon receiving the request, the Board Chair 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 Chair shall notify the requester in writing of the Board's decision.
- If the Board upholds the decision of the Executive Director, the requester has the right to take any legal action open to the requester.

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, etc.
- The Executive Director or a designated staff member may authorize the release of certain student directory information for use by the 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 registration or at any other time.
- A parent's permission or objection to the publication of their child's directory information is specifically requested at registration.

Use of Student Records for Research Purposes

- The school may not release individual student information 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, such as group test results, enrollment statistics, etc., may be released by the Executive Director for research projects approved by the Board of Directors.
- 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, the school will request a copy of the student's record directly from the student's previous school.
- Any school requested to forward a copy of a transferring student's record to the new school will 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

- A parental release is not required when transferring student records from one school to another.
- The cumulative or permanent student record, 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 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 or permanent student record.

- Cumulative or permanent student records, including directory information, schools and years attended, grades and credits earned, health records (Utah School Immunization Record), and test scores, will be forwarded to the receiving school as follows:
 - The original records of students will be transferred.
 - Copies of the original records may be provided to the parent or guardian, 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."
 - The Executive Director shall immediately notify the police department of the transfer request of a record of a "Missing Child."
 - 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

- A parent, legal guardian, or eligible student may request a conference with the Executive Director to ask for a correction or expungement of a record if they feel information entered on their student 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.
- If the Executive Director receives a court order to expunge a record, the Executive Director will comply with that request and any other related requests.

Retention of Student Records

- Student enrollment records shall be retained permanently at the school.
- Cumulative or permanent student records, including records created as part of the instructional program and student history, shall be maintained at the local school as long as the student is enrolled.
- Documents which are not part of the grade transcript will be destroyed within three (3) years of the date the student transfers, is promoted, graduates, or withdraws from school.
- Transcripts, including but not limited to grades, directory information, and recorded suspensions and expulsions, shall be archived permanently.

- Teacher files on students in resource or other special programs shall be kept until five (5) years after the student graduates or five (5) years after the student turns 22.

Prohibition on Withholding Diplomas, Credit, or Unofficial Transcripts

- Diplomas or certificates, credit or unofficial transcripts may not be withheld from students for nonpayment of school fees in accordance with Utah Admin. Code R277-705.
- Notwithstanding the above, the school may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

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