

TITLE: STUDENT RECORDS MAINTENANCE AND DISCLOSURE

Purpose. The purpose of this policy is to set forth the conditions governing the protection of privacy and access of parents and students as it relates to the collection, maintenance, disclosure and destruction of education records.

Definitions. As used in this policy:

- **Attendance** within the District includes, but is not limited to: (a) attendance in person and having homebound instruction, and (b) the period during which a student is working under a work-study program.
- **Consent** means that (a) the parent has been fully informed of the information set out in this document in his or her native language or other mode of communication, unless it clearly is not feasible to do so; (b) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent sets forth that activity and lists the records (if any) which will be released and to whom; and (c) the parent understands that the granting of consent is voluntary on the part of the parent.
- **Destruction** means physical destruction or removal of personal identifiers so that the information is no longer personally identifiable.
- **Directory information** includes a student's name, address, telephone listing, e-mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, exemplary student work, photograph, video and the most recent previous educational agency or institution attended by the student.
- **Disciplinary action or proceeding** means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the District.
- **Disclosure** means permitting access or the release, transfer or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
- **District** shall mean the county board of education.

- **Educational institution or educational agency or institution** means any public or private agency or institution under the general supervision of the West Virginia Board of Education.
- **Education records** means those records that are directly related to a student and are collected, maintained or disclosed by the District or by a party acting for the District. The term does not include:
 - a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute.
 - b. Records of the law enforcement unit of an educational agency or institution, subject to the provisions relating to law enforcement units.
 - c. Records relating to an individual who is employed by the District that are made and maintained in the normal course of business; relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose. However, records relating to an individual in attendance within the District who is employed as a result of his or her status as a student are education records and are not excepted.
 - d. Records relating to an eligible student that are:
 - A. Created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or assisting in a paraprofessional capacity;
 - B. Created, maintained or used only in connection with the provision of treatment to the student; and
 - C. Disclosed only to individuals providing the treatment (provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction at the educational agency or institution.
 - e. records of the District that contain only information related to a person after that person is no longer a student enrolled within the District. (An example would be information collected by the Board pertaining to the accomplishments of its alumni.)
- **Eligible student** means a student who has attained eighteen years of age or is attending an institution of post-secondary education.

- **Exceptional student** means a student, having been determined to have an exceptionality in accordance with eligibility criteria under Policy 2419: *Regulations for the Education of Exceptional Students*, who receives services under an Individualized Education Program (IEP).
- **Financial Aid** means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.
- **Institution of post-secondary education** means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under state law.
- **Parent** includes a parent, guardian or an individual acting as a parent of a student in the absence of a parent or guardian.
- **Party** means an individual, agency, institution or organization.
- **Personally identifiable** means that the data or information includes, but is not limited to, (a) the name of a student, the student's parent or other family member, (b) the address of the student or student's family, (c) a personal identifier such as the student's social security number or student number, (d) a list of personal characteristics that would make the student's identity easily traceable, or (e) other information that would make the student's identity easily traceable.
- **Record** means any information or data recorded in any medium including, but not limited to: handwriting, print, video or audio tape, film, microfilm, microfiche and computer media.
- **Secretary** means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.
- **Student** includes any individual who is or has been in attendance at an educational agency or institution, and regarding whom the educational agency or institution collects, maintains or discloses educational records.

Parent Rights. Either parent has full rights unless the agency or institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.

Student Rights. For the purpose of this part, whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parents transfer to the student.

Annual Notification of Rights. The Superintendent shall annually cause the notification of parents of students currently in attendance, or eligible students currently in attendance, of their rights under this policy.

The notice shall inform parents or eligible students that they have the right to:

- Inspect and review the student's education records;
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that this policy authorizes disclosure without consent; and
- File with the U.S. Department of Education a complaint as described in this policy concerning alleged failures by the District to comply with the requirements of this policy.

The notice must include all of the following:

- The procedure for exercising the right to inspect and review education records;
- The procedure for requesting amendment of records as provided within this policy;
- A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;
- Types of information designated as directory information and procedures within the policy for refusing to allow information to be so designated; and
- The procedure for disclosure of education records without consent to officials of another school district in which the student seeks to enroll.

The Superintendent may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

- The District shall effectively notify parents or eligible students who are disabled.
- The District shall effectively notify parents who have a primary or home language other than English.

Parents of exceptional students, and eligible students who are exceptional, shall receive notice of rights under IDEA, included in the procedural safeguards notice.

Law Enforcement Units. Law enforcement unit means any individual, office, department, division or other component of the District, such as a unit of commissioned police officers or non-commissioned security guards, that is, officially authorized or designated by the District to:

- Enforce any local, state, or federal law, or refer to appropriate authorities, a matter for enforcement of any local, state or federal law against any individual or organization other than the District itself; or
- Maintain the physical security and safety of the District.

A component of the District shall not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the District, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

Records of a law enforcement unit means those records, files, documents and other materials that are:

- Created by a law enforcement unit;
- Created for a law enforcement purpose; and
- Maintained by the law enforcement unit.

Records of a law enforcement unit do not mean:

- Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the District other than the law enforcement unit; or
- Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the District.

Education records and personally identifiable information contained in education records do not lose their status as education records and remain subject to this policy, including the disclosure provisions of this policy while in the possession of the law enforcement unit.

Disclosure by the District of its law enforcement unit records is neither required nor prohibited by this policy.

Right to Inspect and Review Education Records. The parent or an eligible student shall be permitted to inspect and review the education records of the student.

A request for access to records shall be honored within a reasonable period of time, but not more than 45 days after it has received the request.

Responses to reasonable requests for explanations and interpretations of the records shall be provided.

When a request is being made regarding records of an exceptional student:

- The District shall comply with requests for access to student records before any meeting regarding an IEP or any hearing relating to the identification, evaluation or educational placement of the student, or the provision of free appropriate public education to the student;
- The right to inspect and review education records of an exceptional student includes the right to have a representative of the parent inspect and review the records; and
- The District shall provide parents, upon request, a list of the types and locations of education records collected, maintained, or used by the District.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the District shall:

- Provide the parent or eligible student with a copy of the records requested; or
- Make other arrangements for the parent or eligible student to inspect and review the requested records.

The District shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

An eligible student may have treatment records reviewed by a physician or other appropriate professional of the student's choice.

Fees. The fee for copies of educational records shall be 20¢ per page, which are made for the parent or eligible student, provided that the fee does not effectively prevent the parent and/or eligible student from exercising the right to inspect and review those records.

The District shall not charge a fee to search for or retrieve the education records of a student.

Limitations on Right to Inspect and Review Education Records. If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information about that student.

Maintenance and Destruction of Education Records. The District may destroy education records, subject to the following exceptions:

- The District shall not destroy any education records if there is an outstanding request to inspect and review them under this policy;

- Explanations placed in the education record under this policy shall be maintained as long as the record or the contested portion is maintained;
- The record of access required under this policy shall be maintained for as long as the education record to which it pertains is maintained; and
- For records collected for exceptional students under Policy 2419: Regulations for the Education of Exceptional Students, a. the District shall inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child; b. the information must be destroyed at the request of the parents; c. however, a permanent record of a student's name, address and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

The following shall apply to the length of time and special consideration for maintaining student records:

- Directory information may be maintained in perpetuity;
- Academic grades and attendance records may be maintained in perpetuity;
- Records to verify implementation of federally funded programs and services and to demonstrate compliance with program requirements must be maintained for five years after the activity is completed;
- Other personally identifiable data which is no longer needed to provide education services may be destroyed;
- Parents and eligible students shall be informed through public notice of any timelines established by the District for maintenance and destruction of student records; and
- Files shall be maintained in a secured location. Electronic files shall be protected through the use of individual user identification and/or passwords. When user identification and/or passwords have been established, an individual is permitted to use only his or her designated identification and password to gain access to education records.

Request to Amend Education Records. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy rights of the student may request the District to amend the record.

The District shall decide whether to amend the educational records of the student in accordance with the request within a reasonable period of time after it receives the request.

If the District decides not to amend the record as requested, it shall inform the parent of the student or the eligible student of the refusal and of the right to a hearing under the provisions of this policy.

Right to a Hearing. The District shall provide a parent or eligible student, on request, an opportunity for a hearing to challenge the content of a student's education records on the grounds that information contained in the education records of the student is inaccurate, misleading or otherwise in violation of the privacy rights of the student.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parents of the student or the eligible student in writing.

If, as a result of the hearing, the District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the District.

Any explanation placed in the education records of the student shall:

- Be maintained by the District as part of the education records of the student as long as the record or contested portion thereof is maintained by the District; and
- Be disclosed if the education records of the student or the contested portion thereof is disclosed by the District to any party.

Conduct of the Hearing. The hearing shall be conducted according to procedures that shall include at least the following elements:

- The hearing shall be held within a reasonable period of time after the District has received the request;
- The parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing;
- The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing;
- The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

- The District shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and
- The decision of the District shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Prior Consent for Disclosure Required. The District shall obtain written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as otherwise provided in this policy.

Whenever written consent is required, the District shall presume that the parent of the student or the eligible student giving consent has the authority to do so unless the District has been provided with evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody which provides to the contrary.

The written consent must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

- a specification of the records to be disclosed;
- the purpose of the disclosure; and
- the party or class of parties to whom the disclosure may be made.

If a parent or eligible student so requests, the District shall provide a copy of the records disclosed.

If the parent of a student who is not an eligible student so requests, the District shall provide the student with a copy of the records disclosed.

Prior Consent for Disclosure Not Required. The district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is:

- To other school officials, including teachers, within the educational agency or institution who have been determined, by the agency or institution, to have legitimate educational interest; and
- To officials of another school or school system or institution of post-secondary education in which the student seeks or intends to enroll, subject to the requirements of this policy,

subject to the conditions set forth in this policy, to authorized representatives of:

- a. the Comptroller General of the United States;
 - b. the Secretary; or
 - c. state and local educational authorities.
- In connection with financial aid for which a student has applied or which a student has received; provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:
 - a. to determine the eligibility of the student for financial aid;
 - b. to determine the amount of the financial aid;
 - c. to determine the conditions which will be imposed regarding the financial aid; and
 - d. to enforce the terms or conditions of the financial aid.
 - To state and local officials or authorities to whom this information is specifically:
 - a. allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
 - b. allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of this policy.
 - To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of (a) developing, validating or administering predictive tests; (b) administering student aid programs or improving instruction; provided, that the studies are conducted in a manner that will not permit the personal identification of students and their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to, federal, state and local agencies, and independent organizations.
 - To accrediting organizations in order to carry out their accrediting functions.
 - To parents of a dependent student.
 - To comply with a judicial order or lawfully issued subpoena; provided, that the District makes a reasonable effort to notify the parent of the student or the eligible

student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action; unless the disclosure is in compliance with:

- a. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - c. If the educational agency or institution initiates legal action against a parent or student and has complied with Section 16.1.9., it may disclose education records that are relevant to the action to the court without a court order or subpoena.
- To appropriate parties in health or safety emergency subject to the conditions set forth in this policy.
 - The disclosure is information the District has designated as “directory information.”
 - The disclosure is to the parent of a student who is not an eligible student or to the student.
 - The disclosure is to an alleged victim of any crime of violence as that term is defined in 18 U.S.C. § 16 of the results of any disciplinary proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.

This policy does not prevent the District from disclosing, nor does it require the District to disclose, personally identifiable information from the education records of a student to any parties under this section, with the exception that parents of a student who is not an eligible student and the student must have access.

For records of special education students, the District shall maintain, for public inspection, a current listing of the names and positions of those employees within the District who may access personally identifiable information.

Disciplinary Information. If a student transfers to another school in the state, the principal of the school from which the student transfers shall provide a written record of any disciplinary action taken against the student to the principal of the school to which the student transfers (W. Va. Code § 18A-5-1a), subject to requirements of this policy

The District shall include in the records of a student with a disability under Policy 2419 a statement of any current or previous disciplinary action that has been taken against the student and shall transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of non-disabled students.

- The statement may include a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken and any other information related to the safety of the student and other individuals involved with the student.
- If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current Individualized Education Program (IEP) and any statement of current or previous disciplinary action that has been taken against the student.

If the District reports a crime committed by a student with a disability under Policy 2419, it shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime if consent is obtained from the parent or eligible student under the provisions of this policy.

Record of Disclosure Required to be Maintained. The District shall, for each request for access to and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student that indicates:

- The parties who have requested or obtained personally identifiable information from the education records of the student;
- The date access was given; and
- The legitimate interest these parties had in requesting or obtaining the information.

If the District discloses information with the understanding that the party receiving the information may make further disclosures, the record of disclosure must include the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution and the legitimate educational interests each of the additional parties has in requesting the information.

A record of disclosures shall not be required in relation to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials, or to disclosures of directory information, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena, and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

The record of disclosures may be inspected:

- By the parent of the student or the eligible student;
- By the school official and his or her assistants who are responsible for the custody of the records; and
- For the purpose of auditing the recordkeeping procedures of the District by the parties authorized in and under the conditions set forth in this policy.

Limitation on Redisclosure. The District may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that:

- The personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.
- The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if the parties meet the requirements of Section 124-94-16 and required records of disclosure under Section 126-94-18.

The foregoing paragraph does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas, to disclosures of directory information or to disclosures to a parent or student. Except for these disclosures, an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

If Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the District may not allow that third party access to personally identifiable information from education records for at least five years.

Conditions for Disclosure to Officials of Other Schools and School Systems. When transferring the education records of a student to officials of another school, school system or institution of post-secondary education where the student seeks to enroll, the District shall:

- Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at the last known address of the parent or eligible student, unless:
 - a. The transfer of records is initiated by the parent or eligible student at the District, or

- b. The District includes in its annual notice that it forwards education records on request to other agencies or institutions in which a student seeks or intends to enroll;
- Provide the parent of the student or the eligible student, upon request, a copy of the record that was transferred; and
- Provide the parent of the student or the eligible student, upon request, an opportunity for a hearing under these procedures.

If a student is enrolled in more than one school or receives services from more than one school, the schools may disclose information from the education records of the student to each other without obtaining the written consent of the parent of the student or the eligible student; provided, that the disclosure meets the requirements of this policy.

Disclosure to Certain Federal and State Officials for Federal Program Purposes. The Comptroller General, Secretary or state and local educational authorities may have access to education records in connection with the audit or evaluation of federally or state-supported education programs or for the enforcement of or compliance with federal legal requirements which relate to these programs.

Except when written consent of the parent of a student or an eligible student has been obtained for disclosure, or when the collection of personally identifiable information is specifically authorized by federal or state law, any information collected shall be protected in a manner that does not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such audits, evaluation or enforcement of or compliance with federal and state legal requirements.

Conditions for Disclosure in Health and Safety Emergencies. The District may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:

- The seriousness of the threat to the health or safety of the student or other individuals;
- The need for the information to meet the emergency;
- Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

- The extent to which time is of the essence in dealing with the emergency.

Nothing in this Act or this part shall prevent the District from:

- Including in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the school community;
- Disclosing appropriate information maintained under this policy to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
- Disclosing appropriate information maintained under this policy to teachers and school officials in other schools who have been determined to have legitimate educational interests in behavior of the student.

Sections 22.1. and 22.3. shall be strictly construed.

Conditions for Disclosure of Directory Information. The District may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if it has given notice that information has been designated as directory information.

Directory information shall be provided to any person or group that makes students aware of educational, occupational and career opportunities available in the armed services.

The District may provide access to established directory information to other persons or groups as determined by board action.

The District may disclose directory information from the educational records of an individual who is no longer in attendance at the agency or institution without following the procedures under Section 23.3.

In order to designate directory information, the District shall give public notice of the following:

- The categories of personally identifiable information the District has designated as directory information;
- The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information; and
- The period of time within which the parent of the student or the eligible student must inform the District in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

Juvenile Justice System. Reporting or disclosure to the juvenile justice system, without consent, is not permitted by state law.

Safeguards for Exceptional Students, Information Collected under Policy 2419. The District shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

The Director of Special Education shall assume responsibility for ensuring the confidentiality of any personally identifiable information collected under Policy 2419: *Regulations for the Education of Exceptional Students* and IDEA Amendments of 1997.

All persons collecting or using personally identifiable information shall receive training or instruction regarding the state's policies and procedures under this policy and Policy 2419.

The District shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information of identified special education students.

A complaint may be filed with the West Virginia Department of Education, Office of Special Programs, Extended and Early Learning, if it is alleged that the confidentiality of personally identifiable information regarding an exceptional student in accordance with the requirements of this policy and Policy 2419 has been violated. This is in addition to the right to file a complaint with the U.S. Department of Education, as described in this policy.

Enforcement Authority. For the purpose of this policy, "Office" means the Family Policy Compliance Office, U.S. Department of Education. The Secretary designates the office to:

- Investigate, process and review complaints and violations under the Family Educational Rights and Privacy Act and this part; and
- Provide technical assistance to ensure compliance with the Act and this part.

The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term "applicable program" is defined in Section 400 of the General Education Provisions Act.

If the District determines that it cannot comply with the Act or this policy due to a conflict with state or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.

Complaint Procedure. A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew, or reasonably should have known, of the alleged violation.

The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit or for other reasons considered sufficient by the Office.

Collection and Use of Student Social Security Numbers. A social security number is personally identifiable information and must, therefore, be used in compliance with the other provisions of this policy, the Family Educational Rights and Privacy Act, and the provisions of West Virginia Code § 18-2-5e.

- No public or private elementary or secondary school shall display any student's social security number for identification purposes on class rosters or other lists provided to teachers, on student identification cards, in student directories or other listings, on public postings or listings of grades, or for any other public identification purpose unless specifically authorized or required by law.
- The student social security number may be used for internal recordkeeping purposes or studies.
- The student social security number or alternative number is required for enrollment or attendance in public schools.
 - a. Effective July 1, 2003, the District shall request from the parent, guardian, or responsible person the social security number of each child who is currently enrolled in the county school system.
 - b. Effective July 1, 2003, prior to admittance to a public school in the state, the District shall request from the parent, guardian or responsible person the social security number of each child who is to be enrolled.
 - c. The District shall inform the parent, guardian or other responsible person that if he or she declines to provide the student social security number, the District will assign the student an alternate nine-digit number as designated by the state board.
- For any student who is attending a public school and for whom a social security number has not been provided, the District shall make a request annually to the parent, guardian or other responsible person to furnish the social security number.

Release of List of High School Students to Armed Forces. To promote cooperation with the armed services, school principals shall release the names and addresses of students, who have completed one semester of their junior year, to armed services recruiters in accordance with the other provisions of this policy.

Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

Legal Authority: West Virginia Board of Education Policy 4350

Board Adoption: July 21, 2014