

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

STUDENT RECORDS POLICY

New Mexico School for the Arts (the "School") is a New Mexico statewide public high school. It is the intent of the School to adhere to all applicable laws and regulations governing access to student records. This Students Records Policy is adopted for the purpose of taking reasonable steps to safeguard access to protected student records.

Student records kept by the School will be open to review by parents or guardians and/or students and will be treated in a confidential manner as prescribed by the Family Educational Rights and Privacy Act of 1974 ("FERP A") as amended, and other applicable law and regulations. If there are apparent conflicts among the various statutes and regulations, the provisions of FERPA will prevail.

Student directory information may be released without prior consent unless the parent or student informs the Head of School within a reasonable period of time that any or all of the information should not be released without prior consent. Requests for student lists or rosters must be submitted in writing to the Head of School. Student rosters will not be released without the approval of the Head of School.

STUDENT RECORDS

The School maintains the following education records directly related to students:

- Academic records.
- Personal information records.
- Disciplinary records.
- Attendance records.
- Health records.
- Progress records.
- Standardized testing records.

Access to education records is limited to:

- Parents of students under 18.
- Parents of students over 18 if such student is a dependent as defined in the Internal Revenue Code.
- Students.
- Officials of the School who have a legitimate educational interest.
- State and local officials to whom information is required to be reported.
- Certain testing organizations.
- Accrediting organizations.
- Appropriate persons in connection with an emergency.
- Appropriate persons pursuant to subpoena or court order.
- Any person with the written consent of the parent of students under 18 or the student over 18.
- A school or schools in which a student seeks or intends to enroll.

Student Records Policy

Adopted: 11/9/10

Amended: 10/1/13, 8/5/14

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THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the parent or guardian the right to:

- inspect and review his/her child's educational records.
- make copies of these records.
- receive a list of all individuals having access to those records.
- ask for an explanation of any item in the records.
- ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights.
- a hearing on the issue if the school refuses to make the amendment.

THE PROTECTION OF PUPIL RIGHTS AMENDMENT

The School intends to comply with the Protection of Pupil Rights Amendment to the Family Educational Rights and Privacy Act. This law requires the School to make instructional materials available for inspection by parents if the materials will be used in connection with student participation in a survey, analysis or evaluation that is funded by the US Department of Education. The law also requires the School to obtain the consent of students who are over 18 and the written parental consent of students who are under 18 before students are required to participate in any surveys, analyses, or evaluations funded by the US Department of Education that require the disclosure of the following information:

- political affiliations;
- mental and psychological problems potentially embarrassing to the student and his or her family;
- sex behavior and attitudes;
- illegal, anti-social, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or the student's parents; or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The School also intends to comply with this law by providing students who are over 18 and the parents of students who are under 18 the opportunity to opt out of certain activities involving the collection, disclosure, or use of personal information, the administration of certain surveys, and nonemergency, invasive physical examinations or screenings. The School will give reasonable advance notice of activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information other than to college or postsecondary education and military recruitment institutions, programs providing access to literary products, curriculum and instructional materials, tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about

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students and subsequent analysis, the sale by students of products or services to raise funds for school related activities, and student recognition programs. The School will give reasonable advance notice of the administration of any survey containing one or more of the items described above and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the School and scheduled by the School in advance and not necessary to protect the immediate health and safety of the students.

POLICY REGARDING RECORDS

- Educational records are to be kept to an essential and relevant minimum.
- Records are reviewed at the end of each school year and non-essential or irrelevant material is deleted.
- Access to records is limited to the persons and under the circumstances listed in the Records section.
- Copies are to be made available to persons entitled to copies at a reasonable cost per page.
- Individuals have the right to challenge the contents of the records.
- If records contain information on more than one student, the right to inspect relates only to that portion of the records concerning the particular student in question.

CHILD CUSTODY ISSUES

Parents and the courts will establish the terms and conditions of custody of the children. In most custody arrangements, unless parental rights have been legally waived, both parents retain full parental rights regarding access to school records, grades, parent-teacher conferences, IEP meetings, and so forth. The School will remain neutral in custody cases and will rely on parental agreement or court documents in honoring parental requests. Any changes to the status quo must be agreed to by both parents or through a Court Order.

This Student Records Policy was amended by resolution of the Governing Council of the School, effective as of August 5, 2014.

NEW MEXICO SCHOOL FOR THE ARTS

ATTEST;


SHERRY THOMPSON, Chair
of the Governing Council


PAULA TACKETT, Secretary
of the Governing Council

Legal Reference: Family Educational Rights & Privacy Act, 20 USC Section 1232g
 Protection of Pupil Rights Amendment, 20 USC Section 1232h