

BOARD OF EDUCATION MEMBER AUTHORITY AND RESPONSIBILITIES

Board Member Access to Information, Records and Materials

It is understood that the members of the Board of Education have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any action or statement on the part of any individual Board member except when such statement or action is in pursuance of specific instructions from the Board. The Board does, however, have the authority and responsibility to enforce all policies adopted by the Board, including access to information, records and materials by Board members and others over whom the Board is deemed to have authority.

Except as otherwise provided by law, each Board member is entitled to have access to all District records. The intent of this process is to outline a procedure by which Board members request information, records, and materials, and the administration responds to such requests. This procedure is not intended in any way to restrict or limit any legal rights of Board members to access information, records, and materials.

Administrative Information, Records, and Materials

Except as provided below, all formal requests for information, records, and materials by Board members should be directed to the Custodian of Records. The Custodian of Records will send a copy of the request to all Board members, the Superintendent, and Division Heads when it is received. The following process should be used to comply with requests.

- If the requested information, records, or materials already exist in documents that have been prepared and are considered readily accessible, the Custodian of Records will provide the information, records, or materials within three business days to the Superintendent. Unless prohibited by law, the Superintendent will forward the information, records, or materials to all Board members.
- If the information, records, or materials requested are not in a document that has been prepared, but are nevertheless available within the District in either electronic or paper form, the Custodian of Records will work with the department head to determine the staff required and the amount of time needed to provide the requested information, records, or materials. When the time required will be more than three business days, the Custodian of Records will notify the Superintendent as to when the information, records, or materials will be available.
- If the information, records, or materials requested are not in a document that has been prepared and are not available within the District, the Custodian of Records will notify the Superintendent within three business days.

Education Records And Personally Identifiable Information Regarding Students.

"Education records" refers to records which are directly related to a student and maintained by the District.

"Personally identifiable information" refers to:

- The name of the student, his/her parent or other family member;
- The address of the student or his/her family;
- A personal identifier such as the student's Social Security number or student number; or
- A list of personal characteristics, or other information which would make the student's identity easily traceable or which would make it possible to identify the student with reasonable certainty.

Personally identifiable information also includes records or information regarding a student received from a source outside of the District where the recipient of such information knows or should know that the same information is maintained by the District as part of the education record of a student.

Unless disclosure is otherwise expressly authorized by applicable law (as determined by the Superintendent), education records or personally identifiable information will be released to individual Board members when it is determined by a majority of the Board that the Board member has "legitimate educational interests," including the educational interests of the student at issue.

All formal requests made by a Board member based on a legitimate educational interest for education records or personally identifiable information regarding students must be directed to the Superintendent in writing and signed by the Board member.

- A. The formal request will contain:
- The reason the Board member believes he/she has a legitimate educational interest in obtaining such education records or personally identifiable information;
 - The intended use of the education records or personally identifiable information; and
 - The date on which the education records or personally identifiable information will be returned to the Superintendent for destruction.
- B. The formal request will also contain a statement from the Board member stating that he/she understands that the education records or the personally identifiable information may:
- Not be disclosed by the Board member in any way to any individual or organization not legally authorized to have access to such records or information;
 - Only be used for the purpose described in the request; and
 - Be destroyed by the Superintendent after they are returned.

The Superintendent will forward a copy of the request to the Board President, after which time the request will be submitted to the Board for consideration.

Under no circumstances, may the Superintendent release or a majority of the Board authorize the release of education records or personally identifiable information when the Superintendent or majority of the Board knows or should know that the Board member to whom the records or personally identifiable information is to be released is likely to violate the provisions of this policy, the Family Educational Rights and Privacy Act ("FERPA"), the Individuals with Disabilities Education Act ("IDEA") and/or other applicable confidentiality laws.

If an individual Board member discloses education records or personally identifiable information regarding students to any individual or organization not legally authorized to have access thereto, to the extent permitted by law, either the Board or the Superintendent (on behalf of the Board and the District), may take appropriate legal or other action to restrain and/or remedy the violation and/or to prevent further violations. Such action may include, but is not limited to, an action for a temporary restraining order, injunctive relief or monetary damages, or any other action permitted by law.

It is understood that certain informal lines of communication exist between the staff and Board members; this policy is not meant to interfere with these lines of communications, unless such informal communications relate to education records or personally identifiable information.

Board of Education members will only use this information in the performance of their official duties.

No Board of Education member by virtue of his/her office shall exercise any administrative responsibility and/or authority with respect to the schools or as an individual command the services of any school employee.

Adopted January 11, 1979
Revised October 2003
Revised January 2005
Revised June 2005

REF.: Student Records/Release Of Information On Students JRA/JRC.

Board Member Oath of Office BBBB

LEGAL REFS.: 20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)
34 C.F.R. 99.1 et seq. (regulations)
U.S.C. 20 1412, 1417 and 1439 (Individuals with Disabilities Education Act)
C.R.S. 22-1-123, C.R.S. 22-32-103, C.R.S. 24-72-204, C.R.S. 22-31-129, C.R.S. 22-32-109.3