

FLORENCE SCHOOL DISTRICT 3

A PREMIER DISTRICT OF CHOICE



*Ensuring Our Students Are College and/or Career Ready and
Are Productive and Responsible Members of Society*



Policy Revision- JFAB

ADMISSION OF NONRESIDENT STUDENTS (INTERDISTRICT TRANSFERS)

- **Eligibility**
- **Applications for Admission**
- **Records Transfer**
- **Transfer fees**
- **Transportation**
- **Athletics**
- **Continued Enrollment**
- **Appeals Process**
- **Monitoring and Reporting**

****Action Required****

Policy JRA Admin Rule – Revision

Appropriate Access to Student Test Scores and Use of Test Data

- The Family Education Rights and Privacy Act allows the release of students' education records without the consent of their parents/legal guardians to "school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate education interest, including the educational interests of the child for whom consent would otherwise be required."
- Florence School District Three recognizes the legitimate educational interest of teachers and administrators in test scores for individual students as well as groups of students. With stringent accountability requirements at the state and federal level, more than ever, teachers and administrators share responsibility for ensuring the success of every student and securing favorable ratings for the entire school and district. Given the need for improving scores generally, planning for future students, investigating the short and long-term impact of interventions, or comparing and monitoring scores of subgroups, educators need access to information for students they serve directly and those that they are not currently teaching.
- Technology has made access to student information more accessible than ever. While recognizing the legitimate interest of teachers and administrators in student data, the district expects that such access will be used for legitimate educational purposes only and that the confidentiality of student data will be maintained.

ADMISSION OF NONRESIDENT STUDENTS (INTERDISTRICT TRANSFERS)

Code **JFAB** Issued

The board recognizes that parents/legal guardians residing in one district may, for various reasons, wish to enroll their children in a school in another district. Therefore, in accordance with applicable state law, Florence School District Three will maintain a clear and consistent process for student admissions and transfers into or out of the district.

The district will prominently post information regarding the interdistrict transfer process on its website. In addition, the district will notify families by mail or email and hold community meetings or information sessions regarding interdistrict transfers.

The district will comply with applicable federal and state laws regarding student admissions and transfers into or out of the district. The superintendent or his/her designee will review all interdistrict transfer applications.

Definitions

For purposes of this policy, the following terms are defined below.

Interdistrict transfer means a transfer that allows students to enroll in a school or school district outside their residentially zoned school district. Transfers to a charter school are not considered interdistrict transfers for the purposes of this policy.

School capacity is the maximum number of students that can be accommodated in a school, ensuring a safe and effective learning environment. School capacity shall be determined by a capacity study, which shall include consideration of building capacity, individual class sizes, and other considerations required by state and federal law.

Specialized program is a structured educational initiative or curriculum designed to meet the distinct academic or vocational needs of students.

Waitlist is a list of students who have applied for enrollment in a school that has reached full capacity.

Resident district means the district for which a student is residentially zoned.

Nonresident transfer district means the district to which the non-resident student applies for transfer.

Resident refers to a student who lives within the boundaries of a specific school district.

Nonresident means a student who resides outside the district boundaries but enrolls in a district school through interdistrict transfer.

Sibling means a person who shares at least one biological or legal parent, or who is legally recognized as a sibling through adoption, guardianship, or placement in the same foster care or custodial arrangement.

Eligibility

A student in grades K-12 who does not live in the district but is otherwise eligible to attend a South Carolina public school may apply for an interdistrict transfer into the district's schools, subject to the capacity and eligibility criteria outlined in this policy.

The district will permit an eligible nonresident student with disabilities to apply for transfer into district schools. The district will consider whether the requested school can provide the services required by the student's Individualized Education Plan (IEP). If the requested school cannot adequately meet the students' IEP requirements, the district will ensure the student is placed in a district school that can provide the student with the appropriate services and accommodations.

Applications For Admission

Parents/Legal guardians of nonresident students seeking admission into the district's schools may apply for an interdistrict transfer by completing either an online or paper application during the annual interdistrict transfer enrollment window. The online application will be available on the district's website and accessible from mobile or other electronic devices. Parents/Legal guardians may obtain the paper application from district office.

Along with the interdistrict transfer application, the district will provide parents/legal guardians with detailed information about the interdistrict transfer process, including eligibility criteria and a list of schools with available space.

Annual transfer enrollment window

The district will establish an annual transfer enrollment window for nonresident students seeking to enroll in the district schools. The enrollment window will open no later than February 1st for the upcoming school year and will remain open for at least 90 days. The district will advertise the enrollment window on the district website at least 15 days before its opening.

Applications for interdistrict transfers must be submitted to the superintendent or his/her designee by no later than June 1st. Applications received after June 1st, will be considered late transfer applications and may be considered at the discretion of the superintendent or his/her designee.

Approval and denial criteria

In determining whether to grant admission or a request for readmission, the superintendent or his/her designee may consider any factor he/she deems relevant, including, but not limited to, financial consequences, available staff, available facilities, class enrollment, prior disciplinary problems, and prior attendance record.

The superintendent or his/her designee may deny an application or reject a previously accepted application if the application contains false or substantially misleading information.

Priority for acceptance of interdistrict transfer applications, subject to space availability, will be given to siblings of currently enrolled students in the same school, as well as existing nonresident students.

The superintendent or his/her designee will not approve admission of a nonresident student if such admission would overcrowd the facilities of the district, exceed the established maximum enrollment (at least 90 percent of its capacity) in any of the grade levels, classrooms, or programs of the district.

The district will consider building capacity, individual class sizes, and other considerations required by state and federal law when determining capacity. However, the district is not required to create additional seats, expand facilities, hire additional staff members, or alter programs to accommodate interdistrict transfer requests.

Notice of enrollment status

The district will notify applicants of their student's enrollment status in writing within 30 days of the close of the application period. The notice will include whether the student has been accepted, placed on a waitlist, or denied enrollment. If accepted, the applicant must accept the transfer within fifteen business days of being notified of acceptance. If an application is denied, the notice will

include a clear explanation of the reason(s) for the denial. Waitlisted students will be enrolled only if space becomes available.

The district will not deny any student's application for interdistrict transfer on the basis of race, religion, sex, color, disability, national origin, income level, athletic ability, artistic or other extracurricular ability (unless these are included as part of a specialized program's application process), or any other applicable status protected by local, state, or federal law.

The board will hold nonresident students to the behavioral and academic requirements set out in policy JFAA, *Admission of Resident Students*.

Records Transfer

The resident district must release all pertinent records to the nonresident receiving district, including but not limited to the following:

- previous school records
- formative, summative, and screener testing data
- previous discipline records
- IEP and 504 documentations
- health records
- attendance records

See policy and administrative rule JRA, Student Records, for information pertaining to the transfer of student records.

Transfer fees

The district will charge annual interdistrict transfer fees to nonresident students enrolled in the district's schools. The fees will not exceed the prior school year's local per-pupil tax revenue amount as calculated by the South Carolina Department of Education. The interdistrict transfer fees will be prominently displayed on the district's webpage.

The district may charge nonresident students any additional fees permitted by law that would be charged to resident students for comparable services or materials.

The district may waive all or part of this transfer fees requirement.

However, the district will not charge transfer fees to students in the following categories:

Students planning to move into district

Students of any parent/legal guardian residing out-of-district at the time of admission but in the process of building, buying, or renting a resident in the district may request enrollment in the attendance area's school of the new residence. The parent/legal guardian must present a statement from the builder, seller, or lessor in support of this request. The parent/legal guardian must also present an official release from the district in which in which he/she resides. The superintendent has authority to admit students under provision.

Children of staff members

The district may admit children of staff members of the district provided they submit a release from the school district in which they reside. The district reserves the right to make the school assignment. The district does not require transfer fees for nonresident students of staff members. Staff members who terminate employment with the district during the school year may then be required to pay non-resident tuition for the children if they continue to attend school in the district.

Notice of billing

The district schools will provide parents/legal guardians with advanced notice of upcoming billing dates. Billing invoices will outline due dates, payment instructions, penalties for late payment, and

align with the disbursement schedule of the Education Transfer Scholarship Trust Fund (ESTF) allocations. No invoice will be due until at least 10 business days after ESTF funds are dispensed.

Payment methods

District schools will offer multiple payment methods, including but not limited to online platforms, mail, and in-person. Parents/Legal guardians may make payments quarterly or semi-annually, based on their preference and financial need.

The superintendent or his/her designee will establish procedures for late payments and penalties.

Transportation

In all cases of nonresident student admission, the parent/legal guardian must assume responsibility for transportation.

Athletics

Middle school students in grades six through eight or high school students in grades nine through eleven who transfer from one public middle school or high school to another are not prohibited by South Carolina High School League Regulations from participating in district sports programs. However, parents/legal guardians are responsible for reviewing the South Carolina High School League Regulations to determine how any ensuing transfers may impact the student's eligibility.

Continued Enrollment

A nonresident student enrolled in the district in good standing with respect to behavior and attendance will not be required to complete a renewal application to remain enrolled in the district's schools.

In most cases, a nonresident student matriculating to the next grade level and school in the district's grade progression will not be required to reapply. The district may require a nonresident student to reapply for admission if there is no feeder pattern or if the school or program has capacity constraints at the next grade level. When reapplication is required, the currently enrolled nonresident student will receive priority over new interdistrict transfer applicants.

The parent/legal guardian of a currently enrolled nonresident student who wants their child to attend a different school within the nonresident transfer district must complete a new application for interdistrict transfer and follow the same interdistrict transfer process to enroll their child in the new school.

Appeals Process

Any appeal of an interdistrict transfer denial must be made in writing to the board. Following the notification of the denial, the parent/legal guardian will have 10 days to request an appeal.

The board will review the appeal and consider all written documentation submitted with the initial appeal request. No external information will be considered, and no formal hearing will be held. The board will issue a written decision within 10 days of the next scheduled board meeting.

The parent/legal guardian may appeal the board's final decision to the State Board of Education within 10 days of receiving it.

Monitoring and Reporting

The board will review this policy annually to determine whether revisions are needed to improve fairness, transparency, compliance, and operational efficiency. The board may submit its review to the State Department of Education.

Additionally, the district will collect and maintain data on the number of transfer applications, acceptances, denials, the number of students placed on waitlists, and the outcome of appeals. The data collected will be reported to the State Department of Education.

Cf. JRA

Adopted ^

Legal References:

- A. United States Code of Laws, as amended:
 - 1. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
 - 2. McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. Section 11431, *et seq.*
 - 3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq.*
 - 4. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.
 - 5. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq.*
 - 6. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq.*
 - 7. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq.*
- B. S.C. Code of Laws, 1976, as amended:
 - 1. Section 44-29-180 - Students must show immunization records prior to admission.
 - 2. Section 59-8-165 -Interdistrict transfers
 - 3. Section 59-19-90(10) - Authority of board to prescribe conditions and charges for attendance.
 - 4. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
 - 5. Section 59-63-30, *et seq.* - Qualifications for attendance.
 - 6. Section 59-63-45 - Reimbursement requirements for nonresident students.
 - 7. Section 59-63-480, *et seq.* - Attendance of nonresident students.
- C. Federal Cases:
 - 1. *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).
 - 2. *Plyler v. Doe*, 457 U.S. 202 (1982).
- D. S.C. Cases:
 - 1. *Storm M.H. ex rel. McSwain v. Charleston County Board of Trustees*, 400 S.C. 478, 735 S.E.2d 492 (2012).
- E. S.C. State Board of Education Regulations and Guidelines:
 - 1. R43-272 - School admission.
 - 2. R43-273 - Transfers and withdrawals.
 - 3. Model Guidelines for a School District Interdistrict Transfer Policy in South Carolina

ADMISSION OF NONRESIDENT STUDENTS (INTERDISTRICT TRANSFERS)

Code JFAB-R Issued

The district has adopted the following procedures for handling the admission of nonresident students.

Capacity Study

The admission of nonresident students will be contingent upon space availability at the requested school. To determine space availability, the district will conduct a capacity study of its schools. The superintendent or his/her designee is responsible for conducting the capacity study in the district's schools, at each grade level, and for each class and specialized program within each school.

The capacity study will include the following data points:

- grade level capacity, as determined by the number of grade level teachers multiplied by the grade level's required student-to-teacher ratio
- class capacity, as determined by the board's required student-to-teacher ratio or the state board of education's teacher-to-teacher ratio
- individual instructional coach capacity for students who are testing more than two grade levels behind and need individualized interventions

The district will prominently post school capacity on its webpage. Capacity numbers will be disaggregated by school name, grade level, and program level. The superintendent or their designee will annually review capacity numbers before the district's interdistrict transfer enrollment window.

If the requested school or program is at capacity, the nonresident student will be placed on a waitlist.

Application

The superintendent will develop an application form for parents/legal guardians to complete to apply for an interdistrict transfer. The application will gather information such as the student's legal residence, the district in which the student is currently enrolled or receiving home based instruction, the specific school desired, and the student's grade level.

Parents/Legal guardians seeking an interdistrict transfer must complete an online or paper application. The online and paper application forms are available on the district website.

The district may allow applicants to rank schools with available capacity in order of preference on the application.

Review and decision

The superintendent's designee will review applications for interdistrict transfers after the close of the annual transfer enrollment window. The district will notify applicants of their enrollment status in writing within 30 days after the close of the application period. The notice will include whether the applicant has been accepted, placed on a waitlist, or denied enrollment.

If the district accepts the application, the parent/legal guardian will have fifteen business days to accept the transfer offer and complete any required enrollment steps.

If the district denies the application, the notice will include a clear explanation of the reason(s) for the denial and the right to appeal.

Enrollment criteria and denials

The district may deny transfer requests for reasons including, but not limited to:

- lack of available capacity
- excessive unlawful absences of more than 10 days for elementary and middle school students and more than 5 days for 90-day semester courses, or in excess of 10 days for 180-day courses for high school students
- student disciplinary history of Level II or Level III disciplinary offenses in the previous school year
- history of suspensions of more than 5 days
- history of expulsion
- failure to meet specialized program requirements
- (The district may consider the request of students with disciplinary offenses for placement in the district's alternative school).

Waitlist Procedures

If the nonresident student's preferred school is over-enrolled, and the nonresident student meets the eligibility criteria, he/she will be placed on a waitlist in order of application date. If space becomes available at the requested school during the school year, the district will notify the parent/legal guardian about the available enrollment slot. The parent/legal guardian will have ten days to accept. If the parent/legal guardian does not accept, the district will notify the parent/legal guardian of the next nonresident student on the waitlist until the enrollment slot is filled or the waitlist is exhausted.

Late Payment and Penalties

Transfer fees are due according to the district's payment schedule. If a payment is not received by the due date, the district will make reasonable efforts to notify the parent/legal guardian of the past-due balance and to provide information about payment options.

Failure to make required payments may affect a student's continued eligibility to participate in the interdistrict transfer program, subject to applicable laws and board policy. Before any action is taken regarding a student's transfer status, the district will provide notice to the parent/guardian and an opportunity to address the outstanding balance.

Issued ^

STUDENT RECORDS

Code JRA Adopted 4/19/1985 Latest Review: 8/15/2024 Latest Revision: 8/15/2024

The principal of each school is the legal custodian of all student records for that school.

Students and parents/legal guardians will have access to student education records as defined by the Family Educational Rights and Privacy Act (FERPA). The schools will notify parents/legal guardians and adult students of the following:

- type of records kept
- procedure for inspecting and copying these records
- right for interpretation
- right to challenge data thought to be erroneous, the procedures for expunging such data, or inserting a rebuttal statement
- right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented

Cumulative record folders for all students will be kept in each school office. The educational records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his/her own use, and which are not available to others, are exempted from this definition.

The school will require prior written consent before information may be divulged to third parties.

Exceptions to this rule exist for district employees who have legitimate educational interests in viewing the records, officials in other schools in which the student seeks to enroll, and military recruiters who seek student contact information.

State and national educational organizations that require student data for confidential research and statistical purposes are also exempted from the parental consent prerequisite. An exemption also exists for material under court order, although parents/legal guardians must be notified of the order, and for personally identifiable information if, taking into account the totality of the circumstances, it is determined that there is an articulable and significant threat to the health or safety of the student or other individuals and knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The district, with certain exceptions, may disclose directory information, which may include names, addresses, telephone listings, and dates of birth, without first obtaining written parental permission. However, the district must define directory information to the public before disclosures.

The superintendent will establish administrative regulations for compliance with the FERPA and other applicable acts and regulations.

The principal will maintain juvenile criminal records and information provided by the Department of Juvenile Justice in accordance with this policy and applicable district procedures.

The principal will notify classroom teachers when their students are convicted of certain crimes.

The principal will destroy such juvenile criminal records upon the juvenile's completion of secondary school, or when the juvenile reaches 21 years of age, whichever occurs earlier.

Adopted 4/19/85; Revised 10/14/88, 9/22/02, 4/19/12, 3/10/22, 8/15/24

Legal References:

A. United States Code of Laws, as amended:

1. Family Education Rights and Privacy Act of 1974, 20 U.S.C.A. Section 1232(g). B.

S.C. Code of Laws, 1976, as amended:

1. Section 44-29-135 - Confidentiality of sexually transmitted disease records.
2. Section 59-1-490 - South Carolina Department of Education Data Use and Governance Policy.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-63-370 - Administrator notification of a student's conviction or delinquency adjudication for certain offenses; placement of information in permanent school records.
5. Section 63-5-30 - Rights and duties of parents regarding minor children; access to educational records.
6. Section 63-19-2020 - Confidentiality of juvenile records.
7. Section 63-19-2030 - Confidentiality of student law enforcement records.

C. S.C. State Board of Education Regulations:

1. R43-273 - Transfers and withdrawals.

D. S.C. Department of Archives and History Regulations:

1. R12-901, *et seq.* - Article 9 - General retention schedules for school districts.

Administrative Rule for

JRA - STUDENT RECORDS

Revised: 8/15/2024

General Provisions

A student's *education records* are those records directly related to a student and maintained by the district or a party acting for the district.

Parent refers to a parent, a legal guardian, a person acting as a parent, a surrogate appointed in accordance with laws regulating programs for students with disabilities, a student who is 18 years of age or over, or a student who is attending an institution of postsecondary education on a full-time basis.

Written consent as used in this policy and administrative rule includes signed and dated written consent in electronic format that does the following:

- identifies and then indicates a particular person as the source of the electronic consent
- indicates the person's approval of the information in the electronic consent

Whenever a student is 18 or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent/legal guardian of the student will thereafter only be accorded to and required of the eligible student unless the district has received notice that a court has awarded legal guardianship beyond the age of majority or the student is dependent on the parent/legal guardian for support and is claimed as dependent for tax purposes under the Internal Revenue Code. The school will document such notice.

In maintaining student records, the schools will follow applicable state and federal laws and regulations.

Location of the Student Records

The school or the district records office (if a student is no longer enrolled) will maintain a cumulative record folder that contains directory information, scholastic information, standardized test data, health records, discipline records, and other information. This cumulative record will include, but not be limited to, the following information:

- name (last, first, and middle), also the preferred name (nickname)
- date of birth (verified) along with the sex and ethnic background
- address and telephone number
- names of parents and/or legal guardians
- health record, including surveys for vision, speech, and hearing
- standardized test scores
- end of year assessment scores
- attendance and scholarship record card
- special services contact report
- reading and mathematics continual record
- appropriate correspondence with parents/legal guardians
- discipline records
- criminal record (if convicted of certain crimes)
- incident reports relating to charges for certain offenses outlined in the Juvenile Justice Code, and relating to other offenses if requested by the principal
- other information in the form of notice by a law enforcement agency that a student has been charged with an offense as outlined in the Juvenile Justice Code or upon final disposition of a case as outlined in the code

Except as provided in paragraph four of this section, the district maintains copies of psychological reports and related records if the district has given psychological evaluations to the student as follows:

- in the office of special services

- in the student's school in a file especially for psychological reports

The appropriate personnel in the district office and/or the appropriate school will keep records concerning students who have had administrative hearings.

Once a student graduates, the district files the student's records in the high school. If a student drops out of school before graduation, the school will file his/her records for five years and then transfer the records to the district's central location for record storage.

Directory Information

Schools will treat each student's education records as confidential and primarily for local school use. The exception to this rule is for directory information, which includes the following information about a student:

- name
- address
- telephone number
- date and place of birth
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- diploma or certificate and awards received
- electronic mail address
- photographs, digital images, images on videotape, and other electronic images (as related to school-sponsored or district-sponsored events, activities, and special recognitions)
- grade level
- most recent previous educational agency or institution attended by the student
- other similar information which may appear in newspaper articles, on television, in radio broadcasts, on displays, on the world wide web, or in district or school promotional pieces

The district will not release directory information to any person or agency for commercial use. The district expects its staff to use good judgment in releasing directory information so it serves the best interests of the student.

Within 15 days after the annual distribution of notification of privacy rights, the parent/legal guardian of the student or the eligible and currently enrolled student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information as directory information. The parent/legal guardian or eligible student's notification must be in writing. The written notification will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the request, filing the request in the student's cumulative folder, and marking the folder as specified by the superintendent or his/her designee.

This notification of privacy will include notice to parents/legal guardians that military recruiters are entitled to some student directory information and that parents/legal guardians have the right to deny this access.

Release of School Records

The Family Educational Rights and Privacy Act (FERPA) requires the following procedures in the release of school records:

- The district cannot release school records to any person or agency (employer, government agency, etc.) without the written consent of a student's parent/legal guardian. If the student is 18 years of age, he/she may sign for the release of his/her records.
- The district will release school records, without prior written consent of parent/legal guardian or eligible student, to officials of other educational institutions in which the student seeks or intends to enroll. The school will notify the student's parent/legal guardian of the transfer only if he/she has requested this exception to the district's policy.

Records Made by a Staff Member

A district staff member's personal records on a student are not part of the student's education record as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files.

A substitute who performs the staff member's duties on a temporary basis may use these personal records. However, the staff member may not pass the records on to a successor.

Management of Records

The district will protect the confidentiality of personally identifiable data on students during collection, storage, disclosure, and destruction.

District staff, school psychologists under contract with the district, and other eligible state and federal employees who need the records to carry out their assigned duties and who have a legitimate educational interest will have access to or may receive information from the education records. The superintendent will maintain a current list of such individuals. The district will also give access to parents/legal guardians and eligible students as provided below. The appropriate administrative head of each group collecting or using personally identifiable information will give instruction regarding these regulations to the group.

Students Transferring to Another School

When a student transfers to another public or private school, the school will send the student's permanent school records, including incident reports relating to charges for certain offenses outlined in law, and the discipline record of suspensions and expulsions, to the receiving school and notify the parent/legal guardian of the transfer.

Schools must transfer these records as soon as possible, but no later than 10 business days, upon receiving the written request from the school to which the student is transferring. Schools may not withhold the transfer of records to a school for fees owed by the student.

Disclosure (Except for Directory Information)

The district has the right to 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 immediately necessary to protect the health or safety of the student or other individuals.

The school will require a written request or consent from a parent/legal guardian or eligible student for each act of release of information. Blanket authorization for release of information is not permissible. Written requests or consent will include the types of information to be released, the purpose(s) for the disclosure, the parties or class of parties to whom the disclosure may be made, the date signed, and the signature of the parent/legal guardian or eligible student.

The district will not require prior consent for disclosure when state and federal officials request the information as authorized by statutes or regulations implementing statutes.

The district will not require prior consent to disclose information to organizations conducting studies for, or on behalf of, the district for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction as long as students and/or their parents/legal guardians are not personally identified and the records are destroyed when no longer needed for the prescribed purpose.

The district will not require prior consent when disclosing information to accrediting organizations in order for them to carry out their accrediting functions.

The district will not require prior consent when disclosing information in order for the district to comply with a request from a judicial order, a lawfully issued subpoena, or a family court judge or his/her duly authorized representative acting in an official capacity. However, the student's parent/legal guardian will be notified prior to such release except when the parent/legal guardian is a party to a court proceeding involving child abuse and neglect or dependency matters and the order or subpoena is issued in the context of that proceeding.

Except as provided elsewhere in this administrative rule, the district will keep a record of disclosures not authorized by the parent/legal guardian, eligible student, or this administrative rule.

The student's cumulative folder will provide the following information:

- name of the party receiving the information
- data released
- legitimate purpose for which the data was requested

On the same day, the person releasing the information must mail written notification of the above to the parent/legal guardian or eligible student at the last known address if there is no evidence that the parent/legal guardian or eligible student is aware of the release of information.

Students in Foster Care

Upon enrollment of a student in foster care, the Department of Social Services (DSS) will provide a copy of the court order to the district for inclusion in the student's records.

The district will request school records of a student in foster care within two days of placement into a school and will transfer records within two days of receiving a request for school records of a student in foster care.

The district may permit an authorized representative of DSS to have access to the records of a student in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the student.

Annual Notification of Rights

Each school will distribute annual notice of privacy rights to parents/legal guardians and eligible students in attendance at the time of notification.

Request for Inspection

Anyone who wants to inspect the records must make the request for inspection (or an explanation or interpretation) of a student's record to the principal of the school in which the student is enrolled or where the record is housed.

Principals or designated district office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made. If a hearing concerning the student is pending, the staff member will honor the request for inspection of the student's record prior to the hearing.

At the inspection, the principal will have appropriate staff available to interpret information on the records.

The district is responsible for the maintenance of each student's record. Therefore, school staff are not to turn the original record or an electronic copy of a record over to any person or organization unless they have a specific, written judicial order for such action.

If the parent/legal guardian or eligible student believes that the information in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, he/she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent/legal guardian or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.

Each parent/legal guardian of a student has the right to inspect and review the student's record unless the district has written 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 same applies to parental requests for disclosure to other individuals and to organizations.

A parent/legal guardian or an eligible student has the right to give written authorization for a representative to inspect and review the education records of the student.

Hearings to Challenge Information in Students' Records

Parents/Legal guardians or eligible students will make requests for hearings to the principal where the record is housed. The principal or his/her designee may conduct the hearing.

Principals or administrators will set a date, time, and place for the hearing and notify the requester in writing of the date, time, and place. The principal will establish the hearing date within five working days of receipt of the request. The principal must mail written notice of the hearing to the parent/legal guardian or eligible student at least 10 days prior to the hearing.

A district official who does not have a direct interest in the outcome will conduct the hearing.

At the hearing, the principal or administrator will try to have present the person who has entered the information in question if the person is known and reasonably available. The parent/legal guardian or student who requested the hearing will have the right to question that person if present and be able to show evidence that would correct inaccurate, misleading, or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.

The parent/legal guardian of the student or the eligible student will have a full and fair opportunity to present relevant evidence and may be assisted or represented at their expense by legal counsel.

If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will inform the parent/legal guardian or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent/legal guardian or eligible student.

The district will send its decision (including a summary of the evidence), the reasons for the decision, and the right to a judicial appeal in writing to the parent/legal guardian or eligible student within five working days after the conclusion of the hearing. The district will base its decision solely on evidence.

Destruction of Education Records

The district may destroy data that are no longer needed for providing direct educational services as long as the following conditions apply:

- There is no outstanding request to inspect and review the education record.
- The district keeps the record of disclosures as long as it maintains the education record to which it relates.
- The data do not concern the referral, evaluation, staffing, and placement of a student with disabilities or a student suspected at one time of having a disability. Such data will be sent to the office of programs for those with disabilities when no longer needed for providing direct educational services to a student.

No one may remove the following items from a student's cumulative record at any time:

- name (last, first, and middle), also the preferred name (nickname)
- date of birth (verified), along with the sex and ethnic background
- address and telephone number
- names of parents/legal guardians
- health record, including surveys for vision, speech, and hearing
- standardized test scores

- end of year assessment scores
- attendance and scholarship record card

Special service contact report is to be removed from a student's cumulative record at the end of five years if the student is not enrolled in a special program. The curriculum coordinator or guidance counselor will remove this record. The continual reading and mathematics records K through eight are to be removed and made a part of the record keeping system to be in force for grades nine through 12. Correspondence with parents/legal guardians should be reevaluated and thrown away after five years. Any materials relating to a student's preschool and kindergarten experiences should be discarded after second grade.

Record Provided by the Department of Juvenile Justice

A person's juvenile criminal record must be provided by the South Carolina Department of Juvenile Justice (DJJ) to the principal of the school which the juvenile is eligible to attend immediately upon the person's release from the DJJ.

The principal will ensure that the student's juvenile criminal record is maintained in the school disciplinary file or other such confidential location. Access to the record will be restricted to school staff having need for such information in order to adequately address the educational needs of the student.

These records must be destroyed upon the student's completion of secondary school or upon reaching 21 years of age.

Fingerprint Records

In accordance with law, the county will provide each school in the county with the forms and ink pads necessary to record each student's fingerprints in kindergarten through grade 12.

The district schools with the assistance of the State Law Enforcement Division and/or local law enforcement agencies will fingerprint students in kindergarten and grades one through 12 when the parent/legal guardian of a student requests in writing that his/her child be fingerprinted for identification purposes for the student's protection.

The school will give the fingerprints to the student's parents/legal guardians.

Security Breach or Other Unauthorized Disclosure

Staff members who disclose student education records in a manner inconsistent with applicable law and board policy, whether as a result of intentional action or negligence, may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and board policy.

Staff concerns about a possible security breach shall be reported immediately to superintendent. If the superintendent is the person alleged to be responsible for the security breach, the staff member will report the concern to the board chair.

When the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student personally identifiable information or other student education

records, the district will work with the service contract provider and the district's legal counsel to determine the appropriate course of action to ensure compliance with all federal, state, and local laws regarding notification, involvement of law enforcement, and reporting to the Family Policy Compliance Office, as appropriate.

All breaches and unauthorized disclosures of student education records or personally identifiable information will be documented in compliance with FERPA regulation. The district, when possible, will preserve all evidence and/or documentation of any such breach or unauthorized disclosure for later forensic examination, if necessary. The district will assess any such breach or unauthorized disclosure to determine its cause and to take action to minimize the risk of future occurrences.

The Family Educational Rights and Privacy Act Office

Parents/Legal guardians and eligible students have the right to file written complaints concerning alleged violations of the FERPA. Written complaints should be sent to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

This office has the responsibility for investigating, processing, and reviewing alleged violations. This office will refer appropriate cases to a review board for adjudication.

Appropriate Access to Student Test Scores and Use of Test Data

The Family Education Rights and Privacy Act allows the release of students' education records without the consent of their parents/legal guardians to "school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate education interest, including the educational interests of the child for whom consent would otherwise be required."

Florence School District Three recognizes the legitimate educational interest of teachers and administrators in test scores for individual students as well as groups of students. With stringent accountability requirements at the state and federal level, more than ever, teachers and administrators share responsibility for ensuring the success of every student and securing favorable ratings for the entire school and district. Given the need for improving scores generally, planning for future students, investigating the short and long-term impact of interventions, or comparing and monitoring scores of subgroups, educators need access to information for students they serve directly and those that they are not currently teaching.

Technology has made access to student information more accessible than ever. While recognizing the legitimate interest of teachers and administrators in student data, the district expects that such access will be used for legitimate educational purposes only and that the confidentiality of student data will be maintained.