



577 STUDENT RECORDS

Cumulative File

1. Initiation of File -A cumulative record shall be initiated by the Byron School District when a student first attends. Information collected shall include personal and family data including certification of name and date of birth.
2. Required Data - Data concerning achievement, evaluation, and attendance shall be maintained in the cumulative folder. The medical record is considered part of the cumulative file and shall be placed in the student's folder when he or she leaves the school system.
3. Permissible Data - By the school - Standardized intelligence and aptitude test scores, health data, family background information and teacher or counselor evaluations and observations may be included in the cumulative folder. Service awards, achievements, volunteer services in schools or community, part-time work, and any other items considered enhancing to the student may be recorded in the cumulative folders.
4. Right to Inspect and Review Educational Records - By the Student - The School District shall permit the parents of a student or an eligible student who is or has been in attendance in the School District to inspect and review without charge the education records of the student except those records which are made confidential by state or federal law. The School District shall comply with a request immediately, if possible, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays. If the District shall comply with the request within that time, the responsible authority shall so inform the requester and may have an additional five days within which to comply, excluding Saturdays, Sundays and legal holidays.
5. Request for Inclusion of Data - By the Student - A student may request that specific data be placed in his or her cumulative file by using Form #6d (Request for Amendment of Educational Records). If such information is verified and of recognized relevance it may be added to the file. If the teacher or counselor refuses to accept the materials, the student may appeal to the principal for a decision. If the school would deny the inclusion of the material in the file then school authorities must use Form #7.

A student, parent or guardian may also request that material be deleted from the file. The decision as to the information's relevancy or appropriateness will be made by the building principal.



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- a. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, incomplete or violates the privacy or other rights of the student may request that the school district name them.
- b. The superintendent shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request, not to exceed thirty (30) days and inform the individual of the district proposed action. If the responsible authority decides to refuse to amend the education records of the student in accordance with the request he/she shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under section 10.2 or of the right to appeal to the state commissioner of education.

If the responsible authority decides to amend the education records, the district shall attempt to notify past recipients of the data, including recipients named by the requester.

- c. The School District shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with section 10.3.
- d. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing and attempt to also notify past recipients of the data.
- e. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reason for disagreeing with the decision to the agency or institution.
- f. The hearing shall be held within a reasonable period of time after the School District has received the request not to exceed forty-five (45) days, and 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.



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- g. The hearing may be conducted by the Superintendent, other designated representative of the School Board, or by a mutually agreed upon third party who has no direct interest in the outcome of the hearing. The School Board attorney may be in attendance to present the School District's position and to advise the Superintendent or designated representative on legal and evidentiary matters.
- h. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relevant to the issues raised under Sections 10.1 and 10.2 herein and may be assisted by individuals of his/her choice at his/her own expense, including an attorney.
- i. The Superintendent or designated representative shall make his/her decision in writing after a reasonable period of time after the conclusion of the hearing; the decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

A student or his/her parents or guardian may submit a statement concerning any material in the cumulative file. Such statement shall be dated and signed and shall be kept in the file as long as the data it concerns remains in the file.

- 6. Periodic Review and Deletion of Data - Each cumulative file shall be screened and all irrelevant, outdated, or improper materials eliminated before the student leaves school. In the elementary schools the sixth grade teachers will assume this responsibility. In the high school the counselor will review and delete irrelevant information.
- 7. Access to Cumulative File
 - a. The security and privacy of the cumulative folder shall be preserved.
 - b. Members of the professional staff shall have access to the file of a student for that student's legitimate educational interest.
 - c. A student, or former student, shall be permitted to examine the contents of his/her cumulative folder in the presence of a teacher, counselor or administrator. A child's parent or guardian shall have the same right while the child is a student in the school. The records shall become accessible to parents no later than 45 days after the request.
 - d. Data from the cumulative file may be released without student/parent consent to the professional staff of the Byron Public Schools or State Board of Education, or to another school system in which the student intends to enroll.
 - e. The school may provide anonymous data from its records, including the cumulative folders, for research purposes without the consent under conditions where the likelihood of identifying any individual is negligible.



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- f. Except as specified above, no information contained in the cumulative folder may be divulged except:
 - (1) Without written consent of the student or his/her parent, specifying the records to be released, to whom, and the purpose for which the release is authorized, or:
 - (2) In compliance with a judicial order. Parents and/or students shall be notified of all such orders and the school shall be notified of all such orders and the school's compliance.

SPECIAL EDUCATION
RECORDS RETENTION POLICY

- I. Any regulation regarding record retention applying to all students apply to special education students and in addition:
- II. A school district will retain special education records until three years after the student has turned 21 years of age. Records may not be destroyed if there is an outstanding request to inspect the records by the parent or eligible student. Records must be destroyed at the request of the parents or student if they are no longer needed for educational purposes.
- III. Results of achievement and other standardized tests will be retained permanently. A record of all test achievement and standardized test results administered, as an evaluation for eligibility while in special education services will be kept permanently. A copy of the last Individual Education Plan (IEP) will be kept permanently. In addition, the district may retain the student's name, address, and telephone number, grades, attendance, and grade level completed without time limitations.
- IV. Prior to destroying special education files, in accordance with retention schedules, individual notice must be given to the student. Notice in the newspaper or through a cable station does not satisfy individual notice due to the nature of information being classified as private. For example, if the individual could not be located following a "good faith" effort on an individual basis no identifying information could be used beyond the year and the district in a notice placed in the local paper announcing the pending destruction of the files.
- V. Following approval of the policy, students will be advised of the retention policy at the last IEP meeting prior to graduation or aging out of the program. This will constitute notice and no further notice will be given at the end of the three years. Students reaching majority, or parents if not, will be asked to sign an acknowledgement of the district's policy to destroy the records after



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three years and that notice has been given. A copy of the signed notice will be retained for the district's records.

- VI. Students leaving school and special education programming outside of the usual procedure will be notified individually and advised of the file retention policy.

BYRON SCHOOL DISTRICT #531
NOTICE OF SPECIAL EDUCATION
RECORDS RETENTION POLICY

In accordance with the policy adopted by the Byron School District and approved by the Minnesota Records Disposition Panel, notice is hereby being given as the length of time that your special education file will be maintained.

The records will be retained until three years after your 21st birthday in accordance with Byron School District's retention schedule. At that time, the contents will be destroyed with the exception of the following, which will be maintained without time limitation: standardized and achievement test results, last IEP, student's name, address, phone number, grades, attendance and grade level completed.

By signing this notice, you are acknowledging the Retention Policy. No further notice will be given.

Print Student's Name _____

Student Signature (18 years or older) _____ Date _____

Parent/Guardian Signature _____ Date _____

Approved: August 1986
Reviewed: September 2025
Revised: November 2012