

STUDENTS

EDUCATION RECORDS - ACCESS, CONFIDENTIALITY, AND AMENDMENT

The Regional School District No. 14 Board of Education (“District”) recognizes its responsibility to abide by the Family Educational Rights and Privacy Act of 1974 (FERPA) as well as other state and federal laws pertaining to access, confidentiality and amendment of students’ education records and other personally identifiable information that is collected, used and maintained by the school district.

I. DEFINITIONS

For the purpose of this policy and related administrative regulations, the following definitions shall apply:

DISCLOSURE: To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

EDUCATION RECORDS: Records directly related to a student which are collected, maintained or used by the District. It includes information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. The term does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Furthermore, this term does not include the records of a law enforcement unit of the District.

ELIGIBLE STUDENT: A student enrolled in the school district who has attained the age of majority (age 18). When a student reaches the age of majority, the rights accorded to, and consent required of parents transfer from the parents to the student. (Parents who claim adult students as dependents still have the right to access education records.)

PARENT: A parent of a student enrolled in the school district, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

PERSONALLY IDENTIFIABLE INFORMATION: The term includes, but is not limited to

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics);

- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (g) Information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

II. ACCESS TO EDUCATION RECORDS

Parents and eligible students have the right to inspect and review student education records. The procedure to inspect, review and request copies of education records shall include the following elements:

A. Written request

All requests shall be made in writing and submitted to the principal of the student's school. For students who receive special education, a copy of the request should also be submitted to the Director of Special Services.

B. Time for District to respond to request

The District shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request. If the student who is the subject of the request receives special education, the District shall comply with a request by a parent or eligible student within ten (10) school days, or within three (3) school days if the request is in order to prepare for a meeting regarding an individualized education program or any due process proceeding.

III. CONFIDENTIALITY OF EDUCATION RECORDS

The District is committed to protecting the confidentiality of personally identifiable information of students as required by law. Disclosure of such information will be made when a parent or eligible student has given written consent or when an exception permitted by law applies.

A. Written consent required to disclose information

Before the District discloses personally identifiable information from a student's educational record to persons other than the parent or eligible student, the parent or eligible student shall provide a signed and dated written consent. The written consent shall specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.

B. Exceptions to the requirement for written consent of parent or eligible student

FERPA and its federal regulations permit the District to disclose personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. The most significant of the many exceptions include the following:

1. School officials who have a legitimate educational interest: The District may permit disclosure of education records to other school officials, including teachers who have legitimate educational interests.

a. Criteria for determining who constitutes a “school official”

School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions as well as certain contractors, consultants, volunteers or other parties engaged to perform a special task or service for the District.

b. Examples of school officials

Using the criteria in section (a), the term “school official” includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, school resource officers, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases.

c. What constitutes a “legitimate educational interest”

A legitimate educational interest exists where access to information in a student’s education records is necessary for a school official to fulfill his or her professional responsibility.

2. Directory Information: The District may disclose information that has been deemed to be “directory information.” This term refers to information that would not generally be considered harmful or an invasion of privacy if disclosed.

a. Definition of “directory information:”

The District considers the following categories to fall within the definition of directory information: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school previously attended.

b. “Directory information” does NOT include either of the following: a student’s social security number; a student identification number which, by itself, may be used to gain access to education records.

c. Annual notice of right to refuse disclosure of directory information:

On an annual basis, the school district shall provide parents and eligible students with notice of the right to refuse to let the District designate any or all of the above types of information about the student as directory information. The annual notice shall give the parent or eligible student two weeks to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

3. Recruiters- Military and Colleges

Upon a request made by military recruiters or an institution of higher education, the District must provide access to secondary school students' names, addresses, and telephone listings. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to recruiters without prior written consent. On an annual basis, the school district shall provide parents and eligible students with notice of the right to file such a request.

IV. AMENDMENT OF EDUCATION RECORDS

The District recognizes its responsibility to permit parents and eligible students to 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.

A. Procedure to request amendment of education records:

1. A parent or eligible student must submit a request for amendment of education records in writing to the school principal. The request should clearly identify the part of the record they want changed and specify why it is inaccurate, misleading or in violation of the privacy rights of the student.
2. The school will respond within a reasonable amount of time after receiving the request. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of their right to a hearing regarding the request for amendment.

B. Hearing requirements

The Superintendent of Schools shall develop and implement regulations regarding the hearing requirements in a manner consistent with FERPA and related federal regulations.

V. RECORDS MANAGEMENT

A. Safeguarding confidentiality

The District shall use reasonable methods to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

B. Recordkeeping Requirements

The school district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

VI. ANNUAL NOTICE OF RIGHTS

Annually, at the beginning of each school year, parents and eligible students will be provided the following notices:

1. Family Educational Rights and Privacy Act-Notification of Rights (Addendum A);
2. Notification of Disclosure of Directory Information without Prior Written Consent (Addendum B);
3. Notification to Parents of Secondary Students- Access to Student Information by Military and College Recruiters (Addendum C).

Annual notification of rights shall be by any means that are reasonably likely to inform the parents or eligible students of their rights and shall effectively notify parents who have a primary or home language other than English.

VII. DESTRUCTION OF RECORDS

The District shall comply with all federal, state and local requirements regarding the retention and destruction of records.

The Superintendent of Schools is authorized to establish administrative regulations to implement this policy and clarify the District's legal obligations with respect to the access, confidentiality, and amendment of education records.

Legal References-

Connecticut General Statutes:

- 1-210(b) Access to public records. Exempt records.
- 7-109 Destruction of documents.
- 10-15b Access of parent or guardians to student's records.
- 10-94i. Rights and liabilities of surrogate parents
- 10-154a Professional communications between teacher or nurse and student.
- 10-209 Records not to be public.
- 10-221b Boards of education to establish written uniform policy re: treatment of recruiters.
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students
- 10-233h Arrested students. Reports by police, disclosure, confidentiality.
- 10-233i Students placed on probation by a court
- 10-233k Notification of school officials of potentially dangerous students
- 11-8b Transfer or disposal of public records.
- 19a-583. Limitations on disclosure of HIV-related information
- 46b-56 (e) Orders re custody, care, education, visitation and support of children.
- R.C.S.A. 10-76a-1 Definitions and 10-76d-18 Education records and reports
- Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records

20 U.S.C. 1232g, Family Educational Rights and Privacy Act of 1974

34 C.F.R. Part 99 (FERPA regulations)

20 U.S.C. 1412(a)(8) and 1417(c), Individuals with Disabilities Education Act

34 C.F.R. 300.610-627 (IDEA regulations)

29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1974

34 C.F.R. 104.36 (Section 504 regulations)

20 U.S.C. 7908 Armed Forces recruiter access to students and student recruiting information. (Part of No Child Left Behind Act)

20 U.S.C. 7165 Transfer of School Disciplinary Records

29 U.S.C. 503 Access to secondary schools

Revised: July 2009

ADDENDUM A

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
- ANNUAL NOTIFICATION OF RIGHTS-**

Consistent with the Family Educational Rights and Privacy Act (FERPA), parents of enrolled students and students over 18 years of age ("eligible students") have certain rights with respect to education records. They are as follows:

The right to inspect and review the student's education records within 45 days of the day the school officials receive a request for access to the records. Parents or eligible students should submit a written request that identifies the record(s) they wish to inspect to the school principal. The school will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate or misleading. Parents or eligible students may ask school officials to amend a record that they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or a violation of privacy. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosure of personally identifiable information contained in the student's education records except to the extent that the FERPA and federal regulations (34 C.F.R. §99.31) authorize disclosure without consent. For example, the law allows disclosure of education records without prior written consent in the following situations:

- To other school officials within the school system who have a legitimate educational interest. A school official is defined as persons who are employed by the Board in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions AND contractors, consultants, volunteers or other parties engaged to perform a special task or service for the Board. School officials include the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, school resource officers, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- To other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to enrollment or transfer
- To comply with a judicial order or lawfully issued subpoena, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena prior to compliance.
- To appropriate parties in the event of a health or safety emergency.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by school officials to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

For more information about access rights, confidentiality and amendment of education records, please refer to Board Policy 5145.15, available on the district's website.

**NOTIFICATION OF DISCLOSURE OF DIRECTORY INFORMATION
WITHOUT PRIOR WRITTEN CONSENT**

Name of Student: _____ Date: _____

Name of School: _____

Dear Parent/Guardian and Student:

Federal law enables the School District to release “directory” information about the above named student to the public without your prior written consent. The term “directory information” refers to information that would not generally be considered harmful or an invasion or privacy if disclosed. Although the District uses its discretion and exercises caution when releasing directory information about its students, it is possible that information regarding your child may be released to parties such as the media, colleges, civic or school-related organizations, employment and military recruiters, as well as to the public via school district websites or in published programs for athletic, music, theater and other school sponsored presentations.

Directory information is the following categories of information:

1. Name of student
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Grade level
9. Dates of attendance
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees, honors and awards received (including publication of honor roll)
13. Most recent school previously attended

IF YOU DO NOT WANT ANY OF THE ABOVE INFORMATION ABOUT YOUR CHILD TO BE RELEASED WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:

Refusal to allow disclosure of directory information

I understand that the District has designated the above categories as directory information and may disclose such information about my child without my prior written consent. I refuse to allow disclosure of directory information to the following extent:

- Do NOT release information from the specific categories I have circled above without prior written consent.
- Do NOT release any category of directory information without prior written consent.

Parent/Guardian Signature

Date

ADDENDUM C

**-NOTIFICATION TO PARENTS OF SECONDARY STUDENTS-
ACCESS TO STUDENT INFORMATION BY
MILITARY and COLLEGE RECRUITERS**

Name of Student: _____ Date: _____

Name of School: _____

Dear Parent/Guardian and Secondary Students:

In compliance with federal law, our school district must, upon request, provide to military recruiters, colleges and universities, access to the names, addresses and telephone listings of secondary students.

A parent/guardian or student may request that the student's name, address, and telephone number not be released by the District without prior written parental consent. If you would like to make such a request, please complete the following and return it to your child's school. If we do not receive this request within two weeks of the date of this notice, we will give military recruiters, college and universities access to your child's name, address and telephone listing.

IF YOU DO NOT WANT YOUR CHILD'S NAME, ADDRESS AND TELEPHONE NUMBER TO BE RELEASED TO MILITARY OR COLLEGE RECRUITERS WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:

Request for non-disclosure of information to recruiters

I am aware the District must provide access to military recruiters and colleges or universities of student names, addresses and telephone listings. I am aware the District will provide this information upon request, unless I require that such information not be given to the following groups without prior written parental consent. I therefore request the following:

Military Recruiters *(please check one)*

- Do not release my secondary student's information to military recruiters at any time.
- Do not release my secondary student's information to military recruiters until you have first obtained my *prior written parental consent* before doing so.

Colleges, Universities, or Institutions of Higher Learning *(please check one)*

- Do not release my secondary student's information to colleges, universities or other institutions of higher learning at any time.
- Do not release my secondary student's information to colleges, universities or institutions of higher learning until you have first obtained my *prior written parental consent* before doing so.

Parent/Guardian Signature: _____

Date: _____

Adult Student Signature: _____

Date: _____