

## Policy 5125

### Students

#### Confidentiality and Access to Student Records

##### Statement

The Manchester Board of Education (" Board" ) complies with the state and federal regulations regarding confidentiality, access to and amendment of student records. The Board will implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures will be made known annually to parents of students currently in attendance and eligible students currently in attendance.

##### I. Definitions

- A. **Access** is defined as the right to inspect or review a student's educational records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. **Authorized representative** means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs-- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.
- C. **Biometric record**, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
- D. **De-identified education records** means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
- E. **Directory Information** includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, the most recent previous educational agency or school attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to educational records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

**F. Disciplinary action or proceeding** means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.

**G. Disclosure** means to permit access to or to release, transfer, or other communication of personally identifiable information as 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.

## **H. Education Records**

1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.

2. Education records do not include:

- a. private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
- b. records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;
- c. employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;
- d. records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;
- e. records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

- f. records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement.
- g. grades on peer-graded papers before they are collected and recorded by a teacher.

- I. **Eligible Student** is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.
- J. **Law Enforcement Unit** is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.
- K. **Legitimate Educational Interest** means the need for a school official to review an educational record in order to fulfill his or her professional responsibilities.
- L. **Parent** is defined as a parent or parents of a student, including a parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent will transfer to an eligible student, however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1954 is entitled to access to the student's records without the eligible student's consent.
- M. **Personally Identifiable Information** includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable,
- N. **School Official** is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- O. **Signed and Dated Written Consent** to disclose personally identifiable student information from a student's records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of consent.

## II. Annual Notification of Rights/Release of Directory Information

- A. On an annual basis, the school district will notify parents and/or eligible students currently in

attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Pupil Personnel [or Special Education] Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.

- B.** On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C.** In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

### **III. Confidentiality of Education Records**

- A.** All school staff must understand that personally identifiable information in student records is confidential. Each person who has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and administrative regulations and in a manner consistent with state and federal law.
- B.** Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.
- C.** The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.
- D.** The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.
- E.** The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

### **IV. Access to Education Records**

- A.** Parents and/or eligible student has the right to inspect and review all education records of the student unless such rights have been waived under Section IX, below. Parents rights of inspection

and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

- B.** When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.
- C.** The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.
- D.** A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.
- E.** For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.
- F.** For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.
- G.** Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the board of education shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.
- H.** Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's education records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.
- I.** Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.

**J. Non-custodial Parents:**

1. Divorced Parents

A parent does not lose his or her right to access to education records upon divorce. non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

2. Incarcerated Parents

Nothing in this Policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

- a. such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;
- b. such incarcerated parent has been convicted in Connecticut or any other state sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
- c. such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

**K. Unaccompanied Youth:**

Notwithstanding anything in this Policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the school district. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

**L. Copies of Education Records/Fees:**

1. The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and

related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed **[50¢]** per page.

2. In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

- a. provide the parent or eligible student with a copy of the records requested, or
- b. make other arrangements for the parent or eligible student to inspect and review the requested records.
- c. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.

**V. Record Keeping Requirements/Documentation of Access to Educational Records**

**A.** The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

**B.** Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

1. the name of any individual, agency, or organization that requested or obtained access to the student's records;
2. the date of the request for access;
3. whether access was given;
4. the purpose for which the party was granted access to the records;
5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
6. the legitimate educational interest in obtaining the information.

**C.** The record (log) requirement does not apply to requests from, or disclosure to:

1. a parent or eligible student;
2. a party seeking directory information;
3. a party who has a signed and dated written consent from the parent and/or eligible student;
4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
5. persons seeking or receiving the information as directed by a Federal grand jury, other law

enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

- D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.
- E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:
  - 1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
  - 2. the parties to whom the district disclosed the information.

## **VI The Release Records or Personally Identifiable Information**

- A. The school system or its designated agent(s) may not permit release of personally identifiable records or files of any student to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section V. D below. Personally identifiable information contained in the student record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, e-mailed, etc.) to any person other than those listed below, unless written consent has been obtained.
- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, note the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. If circumstances effectively prevent the parent or eligible student from exercising their right to inspect and review educational records, the board of education will provide the parent or eligible student with a copy of the records requested or make other arrangements for the inspection and/or review of the requested information.
- D. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:
  - 1. The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.
  - 2. The disclosure is to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party (a) performs an institutional service or function for which the district would otherwise use employees, (b) is under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records. The Board shall comply with this policy prior to the provision of student records, student information or student-generated content to a consultant or operator, as those terms are defined in this policy.

3. Transfer Students:

- a. The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.
  - b. When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.
  - c. Upon notification by the Department of Children and Families of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.
4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs, so long as the district enters into a written agreement with the authorized representatives conducting the audit or evaluation, which agreement must comply with 34 C.F.R. 99.35(a)(3) and require that the authorized representative protects the confidentiality of personally identifiable student information consistent with FERPA requirements. Such entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
  5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
  6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed

to any other party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as (a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization, (b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and (c) the district enters into a written agreement with the organization conducting the study that ensures that the study protects the confidentiality of personally identifiable student information consistent with FERPA requirements.
8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
9. The disclosure is for parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
10. The disclosure to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.
11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably

determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with this policy.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.
  15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.
  16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if (1) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and (2) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.
  17. The disclosure is to an agency caseworker or other representative of the Department of Children and Families (“DCF”) or other child welfare agency or tribal organization who has the right to access a student’s case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such, except to an individual or entity engaged in addressing the student’s educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.
- E. If circumstances effectively prevent the parent or eligible student from exercising their right to inspect and review educational records, the board of education will provide the parent or eligible student with a copy of the records requested or make other arrangements for the inspection and/or review of the requested information.
- F. Directory Information

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one year.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one year.
2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.
3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.
4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

#### G. De-identified Records and Information

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:
  - a. the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
  - b. the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
  - c. the record code is not based on a student's social security number or other personal information.

#### H. Security Videos

Images of students captured on security videotapes that are maintained by the school's law enforcement unit are not considered educational records under FERPA and thus, may be shared with outside law enforcement authorities or with parents of students whose images are on the video, as appropriate.

#### I. Disciplinary Records

Nothing in this policy will prevent the school district from:

1. Including in the education records of a student, appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
  2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.
  3. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- J. The District will also facilitate the transfer of a student's disciplinary records to officials of any private school in which the student seeks or intends to enroll.
- K. Records of the Department of Children and Families (" DCF" )
1. Documents related to any Department of Children and Families (" DCF" ) child abuse and/or neglect investigations that are maintained by the Board are considered educational records under the Family Educational Rights and Privacy Act (" FERPA" ). As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records should be kept in a confidential location, with restricted access and shall be disclosed only as authorized by law.  
  
In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the administration will redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.
  2. In addition, the administration will redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.
- L. The Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator. This contracting requirement applies to any contract entered into, amended or renewed on or after July 1, 2018.
1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
  2. Not later than five (5) business days after executing a contract pursuant to this subsection,

the Board shall provide electronic notice to any student and the parent or legal guardian of the student affected by the contract. Such notice and the contract shall be posted on the Board's Internet web site. The notice shall:

- a. Explain that the contract has been executed and the date that such contract was executed;
  - b. Provide a brief description of the contract and the purpose of the contract; and
  - c. Explain what student information, student records or student-generated content may be collected as a result of the contract.
3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to ***The Director of Pupil Personnel Services, contact information is at this link: <https://www.mpspride.org/page.cfm?p=547>***.
4. For purposes of this subsection, the following definitions are applicable:
- a. Consultant means a professional who provides non instructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.
  - c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.
  - d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the statewide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.
  - e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:
    1. Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or

legal guardian using the operator's Internet web site, online service or mobile application for school purposes;

2. Created or provided by an employee or agent of the Board to an operator for school purposes;
3. Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:
1. Improve educational products for adaptive learning purposes and customize student learning;
  2. Demonstrate the effectiveness of the contractor's products in the marketing of such products; and
  3. Develop and improve the consultant's or operator's products and services.

## VII. Redisclosure of Education Records

- A. The school district may disclose personally identifiable information from an education record only on the conditions that:
1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and
  2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.
- B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be re-disclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the

following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
  2. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).
  3. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
  4. The information is considered directory information.
- C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

#### VIII. Amendment of Education Records

- A. If a parent or an eligible student believes that information in the student's records is inaccurate or misleading or in violation the student's right to privacy, he/she is entitled to:
1. Request in writing that the school district amend the records;
  2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the school district decides to amend the records, the school district will promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments.
- C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing.

#### IX. Hearing Rights and Procedures

##### A. Rights

1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing will be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records will be amended, and the parent or eligible student shall be informed in writing.
3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student will be informed of the right to place in the student's records a statement setting forth the reasons for disagreement with the decision.
  - a) Any explanation placed in the records of the student will be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
  - b) If the records of the student or the contested portion are disclosed by the school system, the statement of disagreement by the parents and/or eligible student will also be disclosed.

#### B. Procedures

1. The hearing will be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.
2. The parent or eligible student will be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.
3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) will be knowledgeable of the policies relating to confidentiality and will not have a direct interest in the outcome of the hearing.
4. The parent or eligible student and the school system will have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.
5. The decision reached through the hearing will be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

#### X. Waiver of Rights

- A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education may waive his or her right to inspect and

review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
  2. The letters or statements are used only for the purpose for which they were originally intended.
  3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.
  4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.
- D. If a parent of a student executes a waiver, that waiver may be revoked by the student at any time after he/she reaches the age of 18.

#### XI. Special Confidentiality Procedures for HIV-Related Information

A. The following definitions will apply to Section X of this policy:

##### 1. Confidential HIV-Related Information

" Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual' s partners.

##### 2. Health Care Provider

" Health Care Provider" means any physician, dentist, nurse, provider of services for the mentally ill or persons with mental retardation, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

##### 3. Protected Individual

" Protected individual" means a person who has been counseled regarding HIV infection,

is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

" Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

" School medical personnel" means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV- related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or re-disclosure.
2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
  - a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
  - b) any person who secures a release of confidential HIV-related information;
  - c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;

- d) a healthcare provider or health facility when knowledge of the HIV- related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV- related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
- e) a medical examiner to assist in determining cause of death; or
- f) any person allowed access to such information by a court order.

#### D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member will attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.
2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student' s legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student' s program for reasons related thereto, the school medical personnel member will inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.
3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV- related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

#### E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release will be accompanied by a notice in writing stating, " This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures will be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

#### XII. Child Abuse Reporting

Nothing in this policy shall limit a mandated reporter' s responsibility to report suspected child abuse or neglect under the Board' s Child Abuse and Neglect Reporting Policy 5141.2.

#### XIII. Right to File a Complaint

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W. Washington, DC  
20202-8520

#### Legal References:

##### State Law:

Public Act 17-687-68, An Act Concerning Various Revisions and Additions to the Education Statutes

Public Act 17-194, An Act Concerning Access to Student Records for Certain Unaccompanied Youths

Public Act 17-200, An Act Making Revisions to the Student Data Privacy Act of 2016

Conn. Gen. Stat. § 1-210 et seq.

Conn. Gen. Stat. § 10-220h

Conn. Gen. Stat. § 10-15b  
Conn. Gen. Stat. § 10-233d  
Conn. Gen. Stat. § 10-234aa  
Conn. Gen. Stat. § 10-234bb  
Conn. Gen. Stat. § 10-234cc  
Conn. Gen. Stat. § 10-234dd  
Conn. Gen. Stat. § 10-220d  
Conn. Gen. Stat. § 10-253  
Conn. Gen. Stat. § 17-16a  
Conn. Gen. Stat. § 17a-28  
Conn. Gen. Stat. § 17a-101k  
Conn. Gen. Stat. § 19a-581 *et seq.*  
Conn. Gen. Stat. § 46b-134

Regs. Conn. State Agencies § 10-76d-18

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

Public Act 06-115 An Act Concerning Bullying Policies in Schools and Notices Sent to Parents or Legal Guardians

Public Act 07-122 An Act Concerning Suspensions and Expulsions by Local and Regional Boards of Education.

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g

USA Patriot Act of 2001, Pub. L. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. 114-95.

34 CFR 99.1 - 99.67

34 CFR 300.560-300.576

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.

Policy Adopted: March 11, 1974

Policy Revised: February 23, 2004

Policy Revised: May 29, 2012

Policy Revised: September 24, 2018

## **Administrative Guidelines**

I. The School District will appoint a Custodian of Records who will ensure that student records are kept as follows:

**A. CATEGORY "A" RECORDS:**

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.
2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.
3. All Category A records created by the district shall include the student's state-assigned student identifier (SASID).
4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.
5. \*In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.
6. Category A records should be reviewed at least every three (3) years, while the student is in school.

7. Category A records shall include, at a minimum, the following:

| <u>RECORD</u>  | <u>LOCATION</u>                        |
|--|--|
| a. Basic biographical information  | Cumulative/Health File                 |
| b. Academic achievement (grades/transcript)  | Cumulative File                        |
| c. Date of high school graduation or equivalent  | Cumulative File                        |
| d. Records of immunizations  | Cumulative/Health/Pupil Personnel File |
| e. Attendance records (days absent/present/tardy)                                      | Cumulative File                        |
| f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. 10-233c(e) , 10-233d(f) ) | <u>Cumulative File</u>                 |

**B. CATEGORY “ B ” RECORDS**

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.
2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's school record. Category B information should be reviewed at least every three (3) years while the student is in school.
3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Notice of a student' s suspension or expulsion shall be expunged from the student's cumulative educational record if the student graduates from high school, except for notice of an expulsion based upon possession of a firearm or deadly weapon.
5. \* In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than after graduation. Should the notice be expunged in accordance with this provision, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student' s first suspension or expulsions.

6. Records containing information pertaining to child abuse/neglect referrals or reports, or containing confidential HIV-related information should be kept separate from the student's cumulative folder, in confidential files.
7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.
8. Information contained in documents related to any Department of Children and Families (“ DCF” ) child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential. Such records shall only be disclosed in accordance with the Board’s policy regarding Confidentiality and Access to Student Records.
9. Category B records will include the following (if applicable):

| <u>RECORD</u>  | <u>LOCATION</u>                 |
|--|---------------------------------|
| A. Child-Study Team Records / Student Assistance Team Records            | Cumulative/Pupil Personnel File |
| B. Standardized academic achievement test scores (CTBS, CAPT, CMT)       | Cumulative File                 |
| C. Diagnostic reading/math test results (not special education)          | Cumulative File                 |
| D. Educational and/or vocational interest                                | Cumulative File                 |
| E. Speech/language and hearing evaluations (not special education)       | Cumulative/Health File          |
| F. Family background information   | Cumulative File                 |
| G. Systematically gathered teacher or counselor ratings and observations | Cumulative File                 |

|   |  |
|---|--|
| B. Comprehensive health records           | Cumulative/Health/Pupil Personnel File |
| C. Correspondence relating to the student | Cumulative/Health/Pupil Personnel File |
| D. Disciplinary records                   | Cumulative File*                       |
| E. Extracurricular activities             | Cumulative File                        |
| F. Letters of Recommendation              | Cumulative File                        |

|  |  |
|--|--|
| G. Parent/eligible student's signed release forms (permitting disclosure of records) | Cumulative/Health/Pupil Personnel File |
| H. Family with Service Needs Records   | Cumulative File                        |
| I. Reports of Child Abuse/Neglect  | CONFIDENTIAL FILE                      |
| J. Reports Containing Confidential HIV-Related Information                           | CONFIDENTIAL FILE                      |

entire table below is in S&G policy but not in ours --- someone must have reviewed at one point and decided not to include them in our policy for Category B records -- do you want to add any of them to our policy?

|   |  |
|---|--|
| r. Diploma (if not picked up by student)  | Cumulative File  |
| s. Accident Reports   | Cumulative File  |
| t. Basic school entrance health histories   | Cumulative/Health File   |
| u. Cumulative Health Record (CHR-1, original or copy)   | Health File (*copy remains with district/original follows student) |
| v. Individualized Health Care Plans / Emergency Care Plans  | Cumulative/Health/Pupil Personnel File                             |
| w. Health Assessment Records (HAR-3)  | Health File  |
| x. Incident Reports   | Cumulative File  |
| y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID) | Health File  |
| z. Parent authorization for medications/treatments  | Health File  |

|   |                             |
|---|-----------------------------|
| aa. Physician's orders for medications treatments   | Health File                 |
| bb. Referral forms for services based on results of mandated screenings   | Health/Pupil Personnel File |
| cc. Sports histories and physical-examination reports   | Health File                 |
| dd. Nursing Records (Health assessment data; Nursing process notes; 3 <sup>rd</sup> party health records)                                   | Health File                 |
| ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law | Cumulative File             |

**C. CATEGORY " C " RECORDS – SPECIAL EDUCATION**

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.
2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.
3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C will include (where applicable):

| RECORD                               | LOCATIONS                       |
|--------------------------------------|---------------------------------|
| a. PPT referral forms                | Pupil Personnel File            |
| b. School counselor case records     | Cumulative/Pupil Personnel File |
| c. School psychologists case records | Cumulative/Pupil Personnel File |

|  |                                 |
|--|---------------------------------|
| School social -work case records   | Cumulative/Pupil Personnel File |
| School speech/language pathology case records  | Cumulative/Pupil Personnel File |
| Section 504 records  | Cumulative/Pupil Personnel File |
| d. Special Education assessment/evaluation reports   | Pupil Personnel File            |
| Due Process records (including complaints, mediations and hearings)                                      | Pupil Personnel File            |
| Individual Transition Plan   | Pupil Personnel File            |
| e. Individualized education plans (“ IEPs” ) Records   | Pupil Personnel File            |
| Planning and Placement Team (“PPT) records (including notices, meetings, consent forms)                  | Pupil Personnel File            |
| Individualized Family Service Plans (“IFSPs”)  | Pupil Personnel File            |
| Incident Reports of Seclusion  | Pupil Personnel File            |
| Incident Reports of Physical Restraint   | Pupil Personnel File            |
| g. Learning disabilities evaluations   | Pupil Personnel File            |
| h. Occupational therapy evaluations  | Pupil Personnel File            |
| i. Physical therapy evaluations  | Pupil Personnel File            |
| j. Reports of evaluations completed outside the school system (neurological, psychiatric, medical, etc.) | Pupil Personnel File            |
| l. Consent forms   | Pupil Personnel File            |

#### D. DURATION OF STUDENT RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.
2. Records may be maintained for longer periods of time whenever valid cause for the retention of

records is shown to the custodian of records.

3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

#### **E. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student's name, gender, or any other information contained in education records.
2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student's education record, all education records containing the student's birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner

#### **F. RESPONSIBILITY FOR MAINTENANCE OF STUDENT RECORDS**

1. The Director of Pupil Personnel Services is the Custodian of Records.
2. In addition, the following personnel are designated as the guardians of records for each of the schools:
  - a. Categories A and B: Principal at each school
  - b. Category C: Case Manager at each school
  - c. With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.
  - d. With respect to child abuse and neglect investigation material, the Superintendent of Schools or his or her designee shall be the guardian of the records.
3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.
4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the Manchester Public Schools.

#### **ANNUAL FERPA NOTIFICATION OF RIGHTS**

The following Annual Notification of Rights Under FERPA for Elementary and Secondary Institutions must be included in the student/parent handbook for each school. The Principal or his/her designee will be responsible for publication in each school in the district.

## Notification of Rights Under FERPA for Elementary and Secondary Institutions

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal or program administrator a written request that identifies the record(s) they wish to inspect. The principal or program administrator will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violates the student's privacy rights.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or otherwise violates the student's privacy rights. Parents or an eligible student should write the school principal or program administrator, clearly identifying the part of the record the parents or eligible student want changed, and specify why it is inaccurate or misleading, or otherwise violates the student's privacy rights.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents 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 parents or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. 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.

Upon request, the District will disclose a student's education record without consent to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by

the District 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, S.W.  
Washington, DC 20202-4605

## **ANNUAL NOTICE REGARDING “ DIRECTORY INFORMATION”**

The following Annual Notice Regarding Release of “ Directory Information” must be included in the student/parent handbook for each school. The Principal or his/her designee will be responsible for publication in each school in the district.

### **Annual Notice Regarding Release of “Directory Information”**

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student. Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to educational records or data.

The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

**MANCHESTER PUBLIC SCHOOLS  
RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION**

I hereby authorize \_\_\_\_\_ (name of individual who holds the information), to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning \_\_\_\_\_ (name of protected individual) \_\_\_\_\_ (name of school), to the following personnel:

—

- \_\_\_\_\_ 1) School Nurse:
  
- \_\_\_\_\_ 2) School Administrator(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
  
- \_\_\_\_\_ 3) Student's Teacher(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
  
- \_\_\_\_\_ 4) Paraprofessional(s)
  
- \_\_\_\_\_ 5) Director of Pupil Personnel Services
  
- \_\_\_\_\_ Other(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_

This authorization shall be valid for

\_\_\_\_\_ The student's stay at \_\_\_\_\_ School.

\_\_\_\_\_ The current school year.

\_\_\_\_\_ Other \_\_\_\_\_ (specify period)

I provide this information based on my responsibility to consent or the health care of  
\_\_\_\_\_. I understand that such information shall be held confidential by the persons  
authorized here to receive such information, except as otherwise provided by law.

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Relationship to Student)

\_\_\_\_\_ (Date)

**TRANSFER OF CONFIDENTIAL STUDENT INFORMATION (1)**

Date: \_\_\_\_\_

Pursuant to the Family Educational Rights and Privacy Act (" FERPA" ), I hereby authorize the Manchester Public Schools to **release** and/or **obtain** (please circle) the following confidential records regarding my child:

**Name of Child:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DOB:** \_\_\_\_\_

**Parent(s)/Guardian(s):** \_\_\_\_\_

**School:** \_\_\_\_\_

(Please check all that apply)

|                                   | <u>Obtain</u>            | <u>Release</u>           |
|-----------------------------------|--------------------------|--------------------------|
| All Records                       | <input type="checkbox"/> | <input type="checkbox"/> |
| Cumulative File                   | <input type="checkbox"/> | <input type="checkbox"/> |
| Pupil Personnel/Special Education | <input type="checkbox"/> | <input type="checkbox"/> |
| Disciplinary                      | <input type="checkbox"/> | <input type="checkbox"/> |
| Health/Medical*                   | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (please specify)            | <input type="checkbox"/> | <input type="checkbox"/> |

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To/From: \_\_\_\_\_

Name

Address: \_\_\_\_\_

Street

Town

State/Zip Code

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_

I understand that the information to be disclosed is protected as an "education record" under FERPA, and that such information shall not be redisclosed unless permitted under FERPA. I further understand that the officers, employees, and agents of any party that receives protected information under FERPA may use such information only for purposes for which the disclosure is made.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian

**TRANSFER OF CONFIDENTIAL STUDENT INFORMATION (2)**

\*\*\*\*\*

**\*If this authorization is being used to obtain Protected Health Information from a child’s physician or other covered entity under HIPAA, the following section must also be completed:**

I, the undersigned, specifically authorize \_\_\_\_\_ to disclose my child’s  
Name of Physician

medical information, as specified above, to my child’s school, \_\_\_\_\_,  
Name of School

at the above address for the purposes described below (i.e. health assessment for school entry, special education evaluation etc.):

\_\_\_\_\_

By signing below, I agree that a photocopy of this authorization will be valid as the original. This authorization will be valid for a period of one year from the date below. I understand that I may revoke this authorization at any time by notifying the physician’s office in writing, but if I do, it will not have any effect on actions taken by the Physician prior to receiving such revocation.

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may no longer be protected by federal privacy regulations.

I understand that my child’s treatment or continued treatment with any health care provider or enrollment or eligibility for benefits with any health plan may not be conditioned upon whether or not I sign this authorization and that I may refuse to sign it.

Any information received by the school pursuant to this authorization is subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

\*\*\*\*\*

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian