

## **STUDENTS**

### **Student Records; Confidentiality**

#### **Definitions**

As used in this regulation:

"Educational record" means any record that is directly related to a student and that is maintained by the District. This includes such information recorded by handwriting, print, computer media, video or audio tape, film, microfilm or microfiche.

"Educational record" shall not include any of the following:

1. Notes compiled by instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons which remain in the sole possession of the maker and are not accessible or revealed to any other person except a temporary substitute for the maker.
2. Records created and maintained by the District's law enforcement unit for law enforcement purposes.
3. Records concerning District employees which are made and maintained in the normal course of the District's business and relate exclusively to an employee in his or her capacity as an employee and which are not available for use for any other purpose.
4. Medical and health treatment records of a student who is eighteen (18) years of age or older which are disclosed only to individuals providing the treatment.
5. Records that contain information about an individual after he or she is no longer a student.

"Substitute" means a person who performs the duties of an individual on a temporary basis, and does not include a person who permanently succeeds that individual.

"Directory information" means one or more of the following items: student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, and the most recent previous public or private school attended by the student.

"Parent" means a parent of a student and includes a natural, surrogate or adopted parent, a legal guardian, or an individual acting as a parent in the absence of a parent, guardian or surrogate. The District shall give equal rights of access to either parent, including a non-custodial divorced parent, unless the district is provided with evidence of a court order or other official document, e.g., relating to divorce, separation or custody, that specifically revokes such rights.

"Student," except as otherwise specifically provided, means an individual who is, or who has been, in attendance at school within the District.

"Eligible student" means a student who has reached eighteen (18) years of age or a student who is an emancipated minor. When a student becomes an eligible student, the rights accorded to, and any consent required of, parents under this policy transfer from the parents to the eligible student. However, the District may continue to disclose

educational records to the parents of an eligible student without the eligible student's consent, if the eligible student remains a dependent for tax purposes.

"School official" means all instructional, supervisory, administrative and ancillary personnel employed by, under contract with, or providing in-kind services for, the District, including, but not limited to, youth and/or DARE officers and other law enforcement personnel, health or medical staff such as nurses, counselors, medical consultants and therapists, as well as attorneys and auditors. Ledyard Board of Education members are also school officials.

"Legitimate educational interest" means an interest in the student or in the management and/or administration of education in the District. A legitimate educational interest includes, but is not limited to an individual's need to know information in order to:

1. perform any task required by the individual's position with the District;
2. perform an instructional, administrative, or supervisory task directly related to a student's education;
3. perform a service or benefit for a student or a student's family; or
4. perform discipline related tasks.

## **Maintenance and Security of Student Records**

### 1. Custodian of Records

A. The Assistant Superintendent is hereby designated as custodian of educational records. The address of the custodian is 4 Blonder Boulevard, Ledyard, Connecticut, 06339.

1. The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to educational records.
2. The custodian shall be responsible for the security of educational records and shall devise procedures for assuring that access to such records is limited to authorized persons.
3. The custodian of records, or an appropriately designated employee, shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.

B. In each school, the principal, and/or his/her designee is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

### 2. Files

A. The educational records for each individual student shall be maintained in a central file at the school attended by the student .

B. Educational records shall be stored in locked containers or rooms.

### 3. Information

A. All anecdotal information and assessment reports maintained as educational records must be dated and signed by the individual who originated the record. Each school principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.

## **Access to Student Records**

### **1. Access by Parents or Eligible Students**

A. A parent or eligible student shall have the right during regular business hours to access the student's educational records. If the educational records contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

B. When a parent's eligible student's dominant language is not English, the district shall make an effort to:

1. provide interpretation of the educational record in the dominant language of the parent or eligible student; or
2. assist the parent or eligible student in securing an interpreter.

### **2. Access to Third Parties with Parent or Eligible Student Consent**

A. Upon request, third parties who are not otherwise authorized by law to access educational records may be permitted such access during regular school hours if the parent or eligible student has provided consent. The consent must be in writing and must:

1. be signed and dated;
2. specify the records that may be disclosed;
3. state the purpose of the disclosure; and
4. identify the parties to whom the disclosure may be made.

B. Except for disclosures made pursuant to a court order or subpoena, disclosures of directory information, or disclosures made to a parent, the recipient must be notified that the transmission of the information to others without the written consent of the parent or eligible student is prohibited. Notwithstanding the foregoing, the District may disclose information to a third party with consent, as described above, with the understanding that the recipient of the information may re-disclose the information if:

1. the re-disclosure without consent is authorized by FERPA; and
2. the District's record of the original disclosure includes the names of the additional parties to whom the information may be re-disclosed and such parties' authorization under FERPA for the re-disclosure.

C. The consent notices shall be kept with the educational record. In the event that a parent or eligible student believes that additional documents that may constitute educational records have not been included by the District in response to a request for educational records, the parent or eligible student may identify, with specificity, such additional documents. The District shall respond to such information within a reasonable amount of time. In making such a request of the District, it is the obligation of the parent or eligible student to identify specific documents so as to enable the District to properly identify any documents believed to be at issue.

D. Upon request, the District shall provide the parent or eligible student with a copy of the educational record which is disclosed. If the parent of a student who is not an eligible student so requests, the District shall provide the student with a copy of the record disclosed .

### 3. Access to Third Parties Without Parent or Eligible Student Consent

A. The District will not disclose personally identifiable information from students' educational records to third parties without written parent or eligible student consent unless the disclosure meets one or more of the following conditions.

1. The disclosure is to another school official who has a legitimate educational interest.
2. The disclosure is to officials and/or employees of another school where the student seeks or intends to enroll. Unless the disclosure is initiated by the parent or eligible student or the District has, in its annual notice, included a notice that the District forwards educational records to other schools upon request where a student seeks or intends to enroll, the District shall make a reasonable attempt to notify the parent or eligible student. Upon request, the District will provide the parent or eligible student a copy of the record disclosed.
3. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state and local educational officials, in connection with an audit or evaluation of a state or federally supported education program or the enforcement or compliance with federal legal requirements relating to such programs, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
4. The disclosure is in connection with financial aid for which the student has applied or which the student has received if the information is necessary for such purposes as to determine eligibility, amount and conditions of aid or to enforce the conditions of such aid.
5. The disclosure is to other state and local officials to the extent that such information is specifically allowed to be reported pursuant to state law concerning the juvenile justice system.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:
  - A. develop, validate, or administer predictive tests;
  - B. administer student aid programs; or
  - C. improve instruction.

The study must be conducted in a manner that does not permit

personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed.

7. The disclosure is to accrediting organizations to carry out their accrediting functions.

8. The disclosure is to the parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, as amended.

9. The disclosure is to comply with a judicial order or lawfully issued subpoena and the District made a reasonable attempt to notify the parent or eligible student of the order or subpoena in advance of compliance, unless the disclosure is in compliance with a Federal Grand Jury subpoena or other subpoena whereby the court or issuing agency ordered the existence or contents of the subpoena not to be disclosed. Any copy of an educational record provided in response to a judicial order or subpoena shall be submitted directly to the clerk of the court where the proceedings in connection with the subpoena is located, and shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the record and the title of the case referenced in the subpoena.

10. The disclosure is made to appropriate parties in connection with a health or safety emergency.

11. The disclosure is information the District has designated as "directory information" in accordance with FERPA.

### **Communications Concerning Drugs and Alcohol**

The disclosure of certain information concerning drugs and alcohol is specifically limited by state law. Professional employees shall not be required to disclose information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student. "Professional employee" for this purpose means a school official or employee who is certified by the State Board of Education, who is a school administrator, or who is a registered nurse employed by, or assigned to, the District. A "professional communication" for this purpose means any communication made privately and in confidence by a student to a professional employee during the course of the professional employee's employment.

Notwithstanding the above, any employee who obtains physical evidence from a student indicating that a crime has been or is being committed must turn such evidence over to school administrators or law enforcement officials within two (2) school days, provided a professional employee shall not be required to disclose the name of the student from whom such evidence was obtained. Any physical evidence provided to the administration under this provision shall be turned over to the appropriate law enforcement agency within three (3) days.

### **HIV-RELATED INFORMATION**

The disclosure of confidential HIV-related information is specifically limited by state law. The District will disclose any such information from its records only to the extent permitted by state law. "Confidential HIV-related information" means any information pertaining to 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 concerning whether the individual has been so counseled, 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.

### **Challenging Contents of Records**

A parent or eligible student may challenge the content of the student's educational record in accordance with the following procedure.

The parent or eligible student may request the District to amend the student's educational record on the grounds that it is:

- (1) Inaccurate;
- (2) Misleading; or
- (3) In violation of the student's privacy rights.

The District shall decide whether to amend the record as requested within a reasonable period of time after the request is received. If the District decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing.

If the parent or eligible student requests a hearing to challenge the content of the student's educational record on the grounds it is inaccurate, misleading or in violation of the student's privacy rights, the hearing shall be conducted as follows:

- (1) the hearing will be held within a reasonable period of time after the request for a hearing is received;
- (2) the District will give the parent or eligible student notice of the date, time, and place of the hearing, reasonably in advance of the hearing;
- (3) the hearing may be conducted by any individual, including an employee of the District, who does not have a direct interest in the outcome of the hearing;
- (4) the District will give the parent or eligible student a full and fair opportunity to present relevant evidence at the hearing. The parent or eligible student, at his or her own choosing and expense, may be assisted or represented at the hearing by one or more individuals, including an attorney;
- (5) the District will make its decision in writing within a reasonable period of time after the hearing; and
- (6) the District's decision will be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy rights as asserted by the parent or eligible student, it will amend the record accordingly and inform the parent or eligible student of such amendment. If, on the other hand, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, it will inform the parent or eligible student of his or her right to place a statement in the record commenting on the contested information in the record. Such statement will be maintained with the contested portion of the record for as long as that record is maintained, and will be disclosed whenever the portion of the record to which

the statement relates is disclosed.

### **Directory Information**

1. The following student information is declared to be directory information:

- A. Name
- B. Address
- C. Telephone number
- D. Date and place of birth
- E. Participation in officially recognized activities and sports
- F. Weight and height of members of athletic teams
- G. Dates of attendance
- H. Degrees and awards received
- I. Most recent previous public or private school attended by the student

The District shall disclose directory information to individuals not otherwise authorized to receive such information if it annually gives public notice to parents of students in attendance and eligible students in attendance of:

- 1. the types of personally identifiable information that the District has designated as directory information;
- 2. a parent's or eligible student's right to refuse to let the District designate any or all of those types of information about the student as directory information; and
- 3. the period of time within which a parent or eligible student has 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.

The District may disclose directory information about former students without meeting the above conditions.

### **Access Log**

The District will maintain a record of each request for access to, and each disclosure of, personally identifiable information from the educational records of each student. The record shall be maintained with the educational records of the student as long as the educational records are maintained.

For each request or disclosure the record must include:

- 1. the parties who have requested or received personally identifiable information from the educational record; and
- 2. the legitimate interests the parties had in requesting or obtaining the information.

If the District discloses personally identifiable information from an educational record with the understanding that the information may be re-disclosed, the record will also

include:

- i. the names of additional parties to which the receiving party may disclose the information; and
- ii. the legitimate interest which each of the additional parties has in requesting or obtaining the information.

The following parties may inspect the access log:

1. the parent or eligible student;
2. the school official or his or her designees who are responsible for the custody of the records;
3. a school official with a legitimate educational interest for the purpose of auditing the District's record keeping procedures; and
4. the Comptroller General of the U.S., the Secretary of Education, or state and local educational authorities, for the purpose of auditing the District's record keeping procedures.

The access log requirements do not apply in connection with requests from, and disclosures to, the following:

1. the parent or eligible student;
2. a school official with a legitimate educational interest;
3. a party with written consent from the parent or eligible student;
4. a party seeking information designated by the District as directory information; or
5. a party seeking or receiving the records as directed by a Federal Grand Jury or other law enforcement subpoena and the issuing 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.

### **Fee for Reproducing Records**

1. A fee based upon the actual cost of reproduction and postage (if any) may be charged for furnishing copies of any educational record.
2. The fee for copies is stipulated in policy 3250. (cf. 3250 – Materials/Services Fees, Charges)
3. No fee shall:
  - effectively prevent the parents or eligible students from exercising their right to inspect and review educational records.
  - be charged for searching for or retrieving an educational record.
  - be made for furnishing
    - (1) up to two transcripts of former student's records;
    - (2) a copy of a student's individual education plan (IEP); and
    - (3) a copy of any evaluation report and other documentation

regarding the determination of a student's eligibility for special education and related services.

### **Retention and Destruction of Student Records**

Educational records will be retained and disposed of in accordance with the Municipal Records Retention Schedule M8 - Education Records, published by the Connecticut State Library, Public Records, Administration, as amended.

The District will inform parents and eligible students when personally identifiable information contained in the educational records of students with disabilities is no longer needed to provide educational services to the student. Such information will be destroyed at the request of the parents or eligible students, in accordance with the Individuals with Disabilities Education Act (IDEA). Notwithstanding the foregoing, a permanent record of a special education student's name, address, phone number, classes attended grade level completed, and year completed may be maintained without time limitation.

### **Enforcement**

A parent or eligible student who believes the District has violated the Family Educational Rights and Privacy Act (FERPA) has the right to file a complaint with the Family Compliance Office (FPCO), U.S. Department of Education, Washington, DC, 20202-4605.

### **Notification of Parents and Eligible Students**

A copy of this regulation shall be provided annually and upon enrollment to parents of students currently in attendance and eligible students currently in attendance.

### **Legal Reference:**

Connecticut General Statutes

210 Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parent or guardian 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.

19a-583 Limitation on disclosure of HIV-related information.

46b-56(e) Access to records of minor's children by noncustodial parent.

Federal Law

Family Educational Rights and Privacy Act (FERPA)

20 U.S.C. § 1232g, as amended.

Dept. of Educ. regulations 34 C.F.R. Part 99, Family Educational Rights and Privacy.

Individuals with Disabilities Education Law, 20 U.S.C. §1400, *et seq.*

Connecticut State Library Public Records Administration Schedule M8 -  
Education Records.

Regulation approved: November 2, 1994

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LEDYARD PUBLIC SCHOOLS

Ledyard, Connecticut