

Students

Student Records: Confidentiality

5125AR (a)

Definitions

As used in this regulation:

1. **“Student”** means an individual who is or has been “in attendance” in person at an educational agency or institution for whom education records are maintained. It also includes those situations in which students “attend” classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.
2. **“Student Record”** means any item of information directly related to an identifiable student, other than directory information, which is maintained by the school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school district, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of review by a second party is considered a student record. *The definition of education records excludes grades on peer-graded papers before they are collected and recorded by a teacher. Peer-grading does not violate FERPA*

“Student Record” shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record. Employment records used only in relation to a student’s employment by the district are not considered student records. In addition, student records do not include alumni records that contain information about the student after the student is no longer in attendance, 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 or records of an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

“Substitute” means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of notes in his or her position. Medical records are not open to public inspection.

“Post-enrollment Records” means that records that pertain to an individual’s previous attendance as a student are “education records” under FERPA regardless of when they were created or received by the institution.

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Definitions (continued)

3. **“Directory Information”** means information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent’s name and/or e-mail address, student’s name, address, telephone number.
4. **“Parent”** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student, unless 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 1956.

5. **“School Official”** means 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 currently 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/her tasks.
6. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means. It is also permitted to return an educational record to the provider or creator of the record, including the return of a questionable document to the purported sender for verification of information in the document.
7. **“Personally Identifiable Information”** includes but is not limited to the student’s name, the name of the student's parent or other family member, the address of the student or student’s family, a personal identifier such as the student’s Social Security Number or student number, or “biometric records” (a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics and handwriting), a list of personal characteristics or indirect identifiers, such as the name of the student’s parent or other family members and the date and place of birth and mother’s maiden name, or other information that would allow a reasonable person in the school or community who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

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Definitions (continued)

8. **“Record”** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
9. **“Access”** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
10. **“Student”** means a person who is or was enrolled in a school.
11. **“Adult student”** means a person who is or was enrolled in school and who is at least eighteen (18) years of age.
12. **“Eligible Student”** means a student or former student who has reached eighteen years (18) of age or who is attending an institution of post-secondary education or is an emancipated minor.
13. **“Law Enforcement Unit”** means an individual office, department, division, or other component of an education 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.
14. **“Legitimate Education Interest”** means the need for a school official to review an educational record in order to fulfill his/her professional responsibilities.
15. **“Signed and Dated Waiver Consent”** means 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.
16. **“Authorized Representative”** means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §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.
17. **“Education Program”** means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

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Definitions (continued)

18. **“Early Childhood Education Program”** means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children’s cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

Types of Records

The school district shall maintain only the following three categories of records:

1. **“Mandatory Permanent Student Records”** are those records which are maintained in perpetuity (at least 50 years) and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:
 - A. Basic Biographical Information
 - B. Academic achievement (report card grades, transcripts)
 - C. Immunization Record
 - D. Daily Attendance

2. **“Mandatory Interim Student Records”** are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations (6 years following the student’s graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records), or authorized administrative directive. Such records include the following:
 - A. A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefore.
 - B. Comprehensive Health Record as specified in the Municipal Records Retention Schedule M-8 – Education Records. The Town of Fairfield Department of Public Health and Nursing is responsible for managing these records.
 - C. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.

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Types of Records (continued)

- D. Parental restrictions regarding access to directory information or related stipulations.
- E. Parental authorizations or prohibitions of student participation in specific programs.
- F. Results of standardized tests administered within the preceding three years.

Note: Disciplinary records of suspension and expulsion are subject to being expunged according to state and federal statutes.

3. **“Permitted Records”** are those records having clear importance only to the current educational process of the student. Such records may be destroyed following the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records. Such records may include the following:
 - A. Objective counselor and/or teacher ratings
 - B. Routine discipline data
 - C. Verified reports of relevant behavioral patterns
 - D. All disciplinary notices

Maintenance and Security of Student Records

1. Custodian of Records

- A. The Director of Human Resources and Legal Services is designated by the Superintendent of Schools as the custodian of student records.
 - (1) The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to student records.
 - (2) The custodian shall be responsible for security of student records and shall devise procedures for assuring that access to such records is limited to authorized persons.
 - (3) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.

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Maintenance and Security of Student Records (continued)

1. **Custodian of Records** (continued)
 - B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.
2. **Files**
 - A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.
 - B. Student records shall be stored in locked containers (files) or rooms.
 - C. Student Records are also contained in the district student management data base, Infinite Campus. (Records contained in IC are not considered official records)
3. **Information**
 - A. All assessment reports maintained as student records must be dated and signed by the individual who originated the record.

Access to Student Records

1. **School Officials**
 - A. School officials, as defined, have access to students' educational records without consent, if the official has been determined to have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.
 - B. Contractors, consultants, volunteers (must have specific authorization to have access), and other parties to whom a school has out sourced services or functions are considered "school officials" who may have access to student records, without parental consent, if the following conditions are met:

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Access to Student Records (continued)

1. School Officials (continued)

- The party is under the direct control of the school.
 - The party is subject to the same conditions governing the use and re-disclosure of education records applicable to other school officials.
 - The contractor must ensure that only individuals with legitimate educational interests, as determined by the district or school, obtain access to the education records. The contractor may not re-disclose personally identifiable information without consent unless the district or school has authorized the re-disclosure under a FERPA exception and the district or school records the subsequent disclosure.
- C. The district or school may not disclose education records to an outside service provider unless it has specified in its annual FERPA notification to parents/students that it uses contractors, consultants, volunteers, as “school officials” to provide certain institutional services and functions.
- D. In controlling access to education records by school officials and outside service providers, schools must:
- (1) Use “reasonable methods” to ensure an official is given access to only those education records, paper or electronic, in which the official has a legitimate educational interest.
 - (2) Schools may use such methods as:
 - Physical controls such as locked filing cabinets;
 - Technological controls such as role-based access controls for electronic records;
 - Administrative policies, in lieu of physical or technological controls. Such policies must be effective in controlling access.

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Access to Student Records (continued)

2. Parents

- A. Parents of currently enrolled or former students shall have an absolute right during regular business hours *by appointment* to access any and all student records related to their children which are maintained by the district. Neither the student record, nor any part thereof, shall be withheld or edited. If the student records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that student.
- B. A parent or guardian's request for access to student records shall be made in writing to the custodian of student records (at the school level this is the Principal/Headmaster or designee). Access shall be granted no later than forty-five (45) days following the date of the request.
- C. A requesting parent shall be notified of the location of all student records, if not centrally located.
- D. When a parent's dominant language is not English, the district shall make an effort to
 - (1) provide interpretation of the student record in the dominant language of the parent, or
 - (2) assist the parent in securing an interpreter.

3. Parental Consent

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released; or (b) to the student if he/she is an eligible student, or has entered a post-secondary educational institution.
- B. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed. (34 CFR 9910, Rights of Inspection and Review)

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Access to Student Records (continued)

4. Without Parental Consent

A. No person or agent shall be permitted access to student records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

- (1) Officials and employees of other public schools or school districts, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to or is directed to enroll. The authority of the district or school to transfer education records to a student's new school continues after actual enrollment so long as the disclosure is in connection with the student's enrollment. This ensures that a school may supplement, update, or correct records sent during the student's application or transfer period. 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.

Note: Section 504 and Title II of the ADA generally prohibits post-secondary institutions from making pre-admission inquiries about an applicant's disability status. However, after admission, such institutions may request such information concerning a current student.

- (2) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, State Education Officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law; 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.
- (3) The U.S. Attorney General or his/her designee in response to a court issued ex parte order, under the USA Patriot Act, in connection with the investigation or persecution of an offense listed in U.S.C. 2332b(g)5(B) or an act of domestic or international terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information, nor acquire consent or notice to the parent or student.

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Access to Student Records (continued)

4. Without Parental Consent (continued)

- (4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law.
- (5) 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.
- (6) Schools may disclose information received under a community notification program concerning a student who is required to register as a sex offender in the State.
- (7) Child welfare agencies that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

B. Information from student records may be released to the following:

- (1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 34 CFR 99.36, Conditions for disclosure of information in health and safety emergencies.
- (2) Agencies or organizations in connection with a student's application form or receipt of financial aid, provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.
- (3) Accrediting organizations in order to carry out their accrediting functions.
- (4) Organizations conducting studies for or on behalf of state educational agencies and state higher education authorities, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

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Access to Student Records (continued)

4. Without Parental Consent (continued)

Such disclosure is subject to the following FERPA requirements:

- The school does not have to initiate the research request or agree with or endorse the conclusion or results of the study.
- The school must agree with the purposes of the study and retain control over information from the education records it discloses.

The school must have a written agreement with the receiving organization that:

- Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed.
 - Requires the organization to use the information from education records only to meet the purpose or purposes of the study stated in the agreement.
 - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests.
 - Requires the organization to destroy or return all personally identifiable information when no longer needed for purposes of the study.
 - Specifies the time period in which the information must be returned or destroyed.
- (5) Officials and employees of private schools or school districts where the student is enrolled or intends to enroll subject to the rights of parents by law.
- (6) An agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the education needs of the students and authorized by such agency or organization to receive such disclosure.

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Access to Student Records (continued)

4. Without Parental Consent (continued)

- C. No person, persons, agency, or organization permitted access to student records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student's parent; provided, however, that this paragraph shall not be construed to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within the district so long as such persons have an equal legitimate interest in the information.
- D. Education records may be released without consent if all personally identifiable information has been removed. The district must reach a “reasonable determination” that a student’s identity is not personally identifiable because of unique patterns of information about that student, whether through single or multiple releases, taking into account other reasonably available information. Also, de-identified student level data may be released for the purpose of educational research by attaching a code to each record. It may be necessary to look to local news, events, and media coverage in the “school community” in determining, in a highly publicized incident, whether other information would make a particular record personally identifiable even if all direct identifiers have been removed.

5. Court Order

- A. Information concerning a student shall be furnished in compliance with a court order.
 - (1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any student's records pursuant to a court order, give the parent and the student three days notice, if lawfully possible, within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notice shall be in writing if possible.
 - (2) Only those records related to the specific purpose of the court order shall be disclosed.
 - (3) When a parent is a party to a court proceeding involving child abuse or neglect, or dependency matters, and a judicial order is issued in the context of that proceeding, or pursuant to a lawfully issued subpoena, additional notice to the parent by the educational agency or institution is not required pertaining to the disclosure of the records.

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Access to Student Records (continued)

5. Court Order (continued)

- B. The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office.

If it is determined, per the federal regulations, that a third party improperly redisclosed personally identifiable information from education records in violation of 599.33(a), the district may not allow that third party access to personally identifiable information from education records for at least five years.

6. Disclosure to Parents of “Eligible Students” and Rights of Students

- A. Rights of parents under FERPA transfer to students once the student has reached 18 years of age or is attending a post-secondary institution and thereby becomes an “eligible student.”
- B. Disclosure to parents without student consent after FERPA rights have transferred to students is permitted under the following circumstances:
 - (1) The student is a dependent for Federal income tax purposes.
 - (2) The disclosure is in connection with a health or safety emergency; i.e. knowledge of the information is necessary to protect the health or safety of other individuals.
 - (3) The student has violated a law or the school’s rules or policies governing alcohol or substance abuse.

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Access to Student Records (continued)

7. **Disclosure of Information in Health and Safety Emergencies** (*Also see section above*)
 - A. The district may include 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.
 - B. Such appropriate information concerning disciplinary action may be disclosed to teachers and school officials in the district who have been determined to have legitimate educational interests in the behavior of the student. This must be strictly construed.
 - C. Such appropriate information, concerning disciplinary action, may be disclosed to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
 - D. In making a determination, the district or school must take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If a school determines that there is an articulable and significant threat to the safety or health of a student or other individuals, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.
 - E. The district or school is required to record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed. "Appropriate parties" include the parents of an eligible student.
 - F. Pursuant to C.G.S. 19a-581 through 19a-585, confidential information concerning HIV status may not be released to anyone EXCEPT a health care provider with a written release from the parents or eligible student.
8. **Re-disclosure of Educational Records**
 - A. Federal and State officials that receive education records for audits, evaluation, and compliance and enforcement purposes may re-disclose such records under the same conditions that apply to other recipients of education records.
 - B. A state educational agency that received records for audit, evaluation or compliance or enforcement purposes may re-disclose records for other qualifying purposes, such as:
 - (1) Forwarding records to a student's new school district;
 - (2) Forwarding records to another listed official, including the Education Secretary or a post-secondary authority;
 - (3) Forwarding to an accrediting agency; or
 - (4) In connection with a health or safety emergency.

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Access to Student Records (continued)

9. Criteria

- A. “School officials and employees” as used in this regulation means district employees and other parties as defined in this regulation.
- B. The following criteria shall be used in determining whether a “school official or employee” has a “legitimate educational interest”.
 - (1) The employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records.
 - (2) The employee has an administrative duty that requires information contained in the student's records.
 - (3) The school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion.
- C. The district and/or school shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records.

10. Access Log

- 1. A log or record shall be maintained for each student's record, which lists all persons, agencies, or organizations requesting or receiving information from the record.
- 2. Such listing shall include the following:
 - A. Parents or students to whom access is granted.
 - B. Parties to whom directory information is released.
 - C. Parties for whom written consent has been executed by the parent or guardian.
 - D. School officials or employees having a legitimate educational interest.
- 3. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the Office of Education, an administrative head of an education agency as defined in 20 U.S.C. 1232g., and state educational authorities as a means of auditing the school system's operations.

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Challenging Contents of Records

1. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record.
 - A. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be:
 - (1) Inaccurate, misleading or in violation of the student's rights of privacy.
 - (2) An unsubstantiated personal conclusion or inference.
 - (3) A conclusion or inference outside of the observer's area of competence.
 - (4) Not based on the personal observation of a named person with the time and place of the observation noted.
 - B. Within 30 days of receipt of such request, the Superintendent or designee shall schedule a meeting with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
 - C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
 - D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Education.
 - (1) Within 30 days of receipt of such an appeal, the Board of Education shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. The decision of the Board of Education shall be final; however, the parent has the right to appeal this decision to a hearing panel, the make-up of and process for which is described in section # 2.
 - (2) If the Board of Education sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the student's written records.
 - (3) Records of these administrative proceedings shall be maintained per document retention standards after the decision of the Board of Education unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

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Challenging Contents of Records (continued)

- E. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the Superintendent, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is corrected or removed.
2. Hearing Panel
 - A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel composed of a person or persons with no interest in the outcome of the appeal, provided the parent has given written consent to release information from the relevant student's records to the members of the panel so convened, to assist in making determinations. Appointing the member(s) of the panel is the responsibility of the Superintendent of Schools.
 - B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, his/her parent or guardian, or the certified employee who recorded the information.
 - C. A school administrator appointed to the hearing panel shall serve as Chairperson.
 - D. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certified employee who recorded the information in question, if any, and if such employee is currently employed by the school system. The district will make a reasonable effort to have the former employee appear.
 - (1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.
 - (2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Superintendent and the Board of Education.
 - E. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.
 3. Whenever there is included in any student record information concerning any disciplinary action taken by school system personnel in connection with the student, the student's parent or guardian may include in such student's record a written statement or response concerning the disciplinary action.

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Directory Information

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

- A. Name
- B. Address
- C. Telephone number
- D. Parent's name/e-mail address

Note: FERPA regulations prohibits the use of a Social Security Number (SSN) as an identification element when disclosing or confirming directory information unless the student has provided written consent for the disclosure.

2. Directory information may be released to the following:

- A. Federal, state and local governmental agencies.
- B. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations.
- C. Employers or prospective employers.
- D. Nonprofit youth organizations as defined by IRS 501 C.3.
- E. Military recruiters or institutions of higher learning that have requested the names, addresses, and telephone numbers of secondary school students unless parental consent is denied.

3. Subject to the provisions of C.G.S. 1-19(b11), high schools shall provide the same directory information and on-campus recruiting opportunities to military recruiters as are offered to nonmilitary recruiters or commercial concerns. (cf. 5145.14 On-Campus Recruitment).

4. The custodian of records will normally limit or deny the release of specific categories of directory information unless she / he determines that such release is required by law or is in the best interests of students.

Students

Student Records: Confidentiality

5125AR (s)

Directory Information (continued)

5. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
 - A. A reasonable deadline will be established during the first month of school after such notice has been given for a parent, guardian, or eligible student to inform the school that the designated information should not be released without specific consent.
 - B. No directory information shall be released regarding any student when a parent, guardian, or eligible student has notified the school that such information shall not be released.
6. Disclosure of directory information on former students is permitted without providing notice or additional opt-out opportunities. A former student's opt-out provided while he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.
7. Opt-out from directory information does not prevent a school from identifying a student by name or from disclosing an electronic identifier or instructional e-mail address in the classroom. A student does not have the right to remain anonymous in class and an opt-out may not be used to impede routine classroom communications and interactions, whether the class is held in a specified physical location or online through electronic communications.

Fee for Reproducing Records

1. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
2. The Superintendent or Designee annually shall establish a fee schedule.
3. No fee shall
 - A. effectively prevent the parents or guardians from exercising their right to inspect and review student records.
 - B. be charged for searching or retrieving a student's record.

Students

Student Records: Confidentiality

5125AR (t)

Transfer of Student Records

1. Whenever a student transfers to another public school district or to a private or charter school, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
 - A. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district. Per state statute, original Health Records must be sent to the new school; the District retains a copy of these records.
 - B. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new school district or charter school no later than 10 days after receipt of such notification.
3. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
4. All student records shall be updated prior to transfer.
5. Parent Notification when there is no parental release.
 - A. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian to the address on file at that time at the same time it transfers the records. (see standard letter in Appendix)
 - B. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)

Expungement of Records Pertaining to Suspension and/or Expulsion

1. Suspension

Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived as permitted by Statute, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.

Students

Student Records: Confidentiality

5125AR (u)

Expungement of Records Pertaining to Suspension and/or Expulsion

(continued)

If the student has not previously been suspended, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived as permitted by Statute, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If the student has not previously been expelled, and the administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

Retention and Destruction of Student Records

1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's or guardian's prior consent for those students who have not reached the age of eighteen years. Adult students may give consent for themselves.
2. The guide to disposal of municipal records in Connecticut is found in Connecticut General Statutes Section 7-109. For disposal of education records, see Schedule V of "Records Retention Schedules 1982" (Revised 1983) published by the Public Records Administration, Connecticut State Library, Hartford, Connecticut.
3. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Students

Student Records: Confidentiality

5125AR (v)

Subpoenaed Records

If the school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any court proceeding, the school upon which such subpoena is served may provide a copy thereof, to the clerk of such court. Such clerk shall give a receipt for the same and shall be responsible for the safekeeping of such records, not permitting the removal of such records from the premises of the court. Any such record so provided to the clerk of the court shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena. The record should be appropriately marked as “a true copy”.

No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge.

Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such record indicating that such record or copy is the original record or copy thereof, made in the regular course of such business to make such record and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable time thereafter.

A subpoena directing production of such school or student records shall be served not less than eighteen (18) business hours before the time for production, provided such subpoena shall be valid if served less than eighteen (18) business hours before the time of production if written notice of intent to serve such subpoena has been delivered to the person in charge of such records not less than eighteen business hours (18) nor more than two weeks before such time for production.

Notification of Parents

1. Parents shall be notified in writing of their rights under this regulation upon the date of the student's initial enrollment, and annually thereafter of students current attendance at the same time as notice is issued. The notice shall be in The Family Guide published by the district and posted on the district website.

Students

Student Records: Confidentiality

5125AR (w)

Legal Reference: Connecticut General Statutes

1-19(b)(11) 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.

10-221b Boards of education to establish written uniform policy re treatment of recruiters.

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

46b-56(e) Access to records of minors.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008)

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331

PL 107-110 "No Child Left Behind Act of 2001," Sections 4155, 5208, and 9528

P.L. 112-278 "The Uninterrupted Scholars Act"

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

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