SHIPMAN

Series 5000
Students

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

I. POLICY

The [_____] Board of Education ("Board") complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records maintained by the [_____] Public Schools (the "District"). The Board shall implement procedures that protect the privacy of parents and students while providing proper access to education records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

II. DEFINITIONS

A. Access is defined as the right to inspect or review a student's education 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. Directory information includes, but is not

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limited to, the parent's name, address 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, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) 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 education 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 District or persons acting for the District.

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 District that were created by that unit for the purpose of law enforcement;

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c) employment records used only in relation to the student's employment by the District that are 1) made and maintained in the normal course of business, 2) relate exclusively to 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 a 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 District); however, the District must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review their treatment records;

e) records created or received by the 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) 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. ***If the District maintains a law enforcement unit, the District should include this definition within the policy.***

***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 education record in order to fulfill their professional responsibilities. The District's Title IX Coordinator has a legitimate

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educational interest when performing the functions of their professional duties.

L. Parent is defined as a parent or parents of a student, including a natural 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 shall 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 1986 may receive access to the student's education records without the eligible student's consent.

M. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or the student's family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and parent's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

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); the District's Title IX Coordinator; a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing the school official's tasks.

O. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education 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 electronic consent.

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

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A. On an annual basis, the 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 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 District will take steps designed 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 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 District from requiring students to wear or display a student identification card.

C. In the annual notification, the 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.

IV. CONFIDENTIALITY OF EDUCATION RECORDS

A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education 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 District shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access

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controls, designed 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 designed 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.

V. ACCESS TO EDUCATION RECORDS

A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Article XI, 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 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

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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 (the eligible student's) 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 U.S.C. § 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 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 District 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 Article VII, below.

I. Pursuant to the procedures set forth in Article 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 the right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the 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

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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 of 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 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 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 student'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 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. ***[Please note that the District may or***

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may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education students and provided that such fee does not effectively prohibit the parent/eligible student from exercising their rights to access records].

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.

[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the District elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:

3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]

VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS

A. The 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 District must maintain the records. The District will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the 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;

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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 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.

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

A. The District or its designated agent(s) may not permit release of education records or any information from such records that contain personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Article VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.

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B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. 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. School Officials:

a) The disclosure is to other school officials within the District, including teachers, who have been determined by the District to have legitimate educational interests in the education records.

b) A contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions, provided that the party:

1) performs an institutional service or function for which the District would otherwise use employees;
2) is under the direct control of the District with respect to the use and maintenance of education records; and
3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

c) The Board shall comply with the below Section I of this Article VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Section I.

2. 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

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a hearing to challenge the content of the record pursuant to Article X.

b) When a student enrolls in a new public school district (including a 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 ("DCF") 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.

3. 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. These entities may make further disclosures of personally identifiable information that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

4. 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.

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5. 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 District that (a) the information is required by the court, and (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.

6. 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 Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).

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

8. The disclosure is to 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.

9. The disclosure is 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;

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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 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).

10. If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action as plaintiff.

11. If a parent or eligible student initiates legal action against the District, the District may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the District to defend itself.

12. 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 Article VI.D, above.

13. The disclosure is to the parent of a student who is under 18 years of age or to the student.

14. 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.

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15. 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:

a) 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

b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.

16. The disclosure is to an agency caseworker or other representative of the 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 records, 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.

D. Directory Information

The 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 school 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 school year.

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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 District and is consistent with the District's obligations under both state and federal law.

3. The District may disclose directory information about students after they are no longer enrolled in the 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 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 District from requiring students to wear or display a student identification card.

5. The 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.

E. **De-identified Records and Information**

1. The 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 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;

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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.

F. **Disciplinary Records**:

Nothing in this policy shall prevent the 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.

G. In accordance with state and federal law, the District will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

H. **Records of the Department of Children and Families ("DCF")**

1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the 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, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central 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 Board shall 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.

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2. In addition, the District shall 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.

I. Except as set forth in Subsection I.5, below, 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.

1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.

2. The District shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September 1st of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:

   a. State 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. State 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 ***[Insert Name and Contact Information]***.

4. For purposes of this subsection, the following definitions are applicable:

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a. Consultant means a professional who provides noninstructional 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 state-wide 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 that 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,

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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.

5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:

a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;

b. The Board can provide evidence that it has made a reasonable effort to:

1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and

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2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;

c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and

d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:

1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and
2) authorizes the use of such Internet web site, online service or mobile application.

e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in Subsection 5.b, above.

VIII. REDISCLOSURE OF EDUCATION RECORDS

A. The 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 District may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed 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.

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2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C, and such state or local educational authority or federal official or agency has complied with the requirements of 34 C.F.R. § 99.32(b)(2).
3. 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)).
4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
5. The information is considered directory information.

C. In the event that the Student Privacy Policy Office determines that a third party outside of the District has improperly redisclosed personally identifiable information from education records in violation of FERPA, the District may not allow that third party access to personally identifiable information from education records for at least five (5) years.

IX. AMENDMENT OF EDUCATION RECORDS

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, the parent or eligible student is entitled to:

1. Request in writing that the District amend the records;
2. Receive within a reasonable period of time a decision from the District with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the District decides to amend the records, the District shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the 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 the parent or eligible student of the right to a hearing pursuant to this policy.

X. HEARING RIGHTS AND PROCEDURES

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent of Schools, an opportunity for a hearing shall be

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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 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 shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the 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 shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why the parent or eligible student disagrees with the District's decision, or both.

   a. Any statement placed in the records of the student shall be maintained by the District as part of the records of the student as long as the record or contested portion is maintained by the District.
   b. If the contested portion of the education record is disclosed by the District, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable time after the District has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall 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) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the District shall 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.

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5. The decision reached through the hearing shall 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.

XI. 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 the 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 District as a condition of admission to or receipt of any other service or benefit from the District.
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.

XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

A. The following definitions shall apply to Article XII 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

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"Health Care Provider" means any physician, physician assistant, dentist, nurse, provider of services for persons with psychiatric disabilities or persons with intellectual disability 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 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 and complies with the requirements of this subdivision.

5. School Medical Personnel

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

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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, the protected individual's 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 health care 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 shall 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

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personnel member shall 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 the protected individual's 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 shall 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 shall be placed in the

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medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

XIII. 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 **[reference policy number]**.

XIV. 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 school district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-8520

Legal References:

State Law:

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. § 10-234ff
Conn. Gen. Stat. § 10-234gg
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

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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

Federal Law:

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

USA Patriot Act of 2001, Pub. L. No. 107-56

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

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 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. No. 114-95.

34 C.F.R. §§ 99.1 - 99.67
34 C.F.R. § 106.45
34 C.F.R. §§ 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/.

ADOPTED:_____
REVISED:_____

9/27/2025

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