

*Existing policy with suggested revision based on P.A. 17-68.*

## **Students**

### **Student Records; Confidentiality**

Student records will be kept for each student and could reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

The Board of Education recognizes the legal requirements to maintain the confidentiality of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) as periodically amended and its implementing regulations, The No Child Left Behind Act of 2001, and the Connecticut General Statutes.

Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto. Access to inspect or review a student's educational record or any part thereof may include the right to receive copies under limited circumstances.

For the purposes of this policy:

**“Parent”** means a natural parent, an adopted, or a legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated the parent granted custody and the parent not granted custody of a minor child both have the 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 the age of 18 years, the permission or consent required of, and the rights accorded to, the parents or guardians of the student shall thereafter only be required of, and accorded to, the student. A parent who is incarcerated is also 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 in situations (1) where such information is considered privileged as defined in C.G.S. 10-154a, (2) such incarcerated parent has been convicted of sexual assault, or aggravated sexual assault, or (3) such incarcerated parent is prohibited pursuant to a court order.

**“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.

**“Student record”** means any item of information directly related to an identifiable student, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in 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 system, regardless of the physical form in which it is maintained. Any information maintained for the purpose of review by a second party is considered a student record.

## Students

### Student Records; Confidentiality (continued)

**“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.

**“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. Records of the law enforcement unit of the District or school are not considered student records.

Records that pertain to an individual’s previous attendance as a student are “student records” under FERPA regardless of when they were created or received within the school system.

**“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 the notes in his or her position.

**“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 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.

**“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.

**“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.

**“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.

## Students

### Student Records; Confidentiality (continued)

**“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, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

A student’s social security number or student ID number is prohibited from designation as directory information. However, student ID numbers, user id or other electronic personal identifiers used by the student to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticates the user’s identity such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

~~A student’s ID number or other unique personal identifier that is displayed on a student ID badge is considered directory information, but only if the identifier cannot be used to gain access to education records except when is used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user. to gain access to education records.~~

A student’s ID number is considered directory information since it cannot be used solely to access educational records.

Military recruiters or institutions of higher learning shall have access to secondary school students’ names, addresses, and telephone listings unless a secondary student or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents of the option to make such a request and shall comply with any request received.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

The Superintendent shall be responsible for ensuring that all requirements under federal and state statutes shall be carried out by the district. He/She S/he will develop procedures providing for the following:

1. Annually informing parents of their rights.

## Students

### Student Records; Confidentiality (continued)

2. Permitting parents to inspect and review educational records, including, at least, a statement of the procedure to be followed by a parent or eligible student who requests to inspect and review the educational records, with an understanding that the procedure may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest;" and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent with an opportunity to seek the correction of the student's education records through a request to amend the records or a hearing, and permitting the parent or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within five school days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions ~~that~~ their prior consent is not required to disclose information.
10. Ensuring the orderly retention and disposition, per applicable state statutes, of the districts' student records.
11. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. Parents or eligible students will also be notified that they may request that the District not release this information, and the District will comply with the request.

## Students

### Student Records; Confidentiality (continued)

12. Notifying parents annually of the District's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

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 guardians to student's records. (as amended by PA 17-68, Section 4)
- 10-154a Professional communications between teacher or nurse & 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.

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

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96 and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011.

Policy adopted:	May 2, 2002	NEW FAIRFIELD PUBLIC SCHOOLS
Policy readopted:	June 16, 2005	New Fairfield, Connecticut
Policy revised:	December 6, 2012	
Policy revised:		