

STUDENTS

5125

CONFIDENTIALITY AND ACCESS TO STUDENT RECORDS**Statement**

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

I. Definitions

- A. **Access** is defined as the right to inspect or review a student's educational records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. **Directory Information** includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, the most recent previous educational agency or school attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to educational records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.
- C. **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.
- D. **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.

- E. **Legitimate Educational Interest** means the need for a school official to review an educational record in order to fulfill his or her professional responsibilities.
- F. **Parent** is defined as a parent or parents of a student, including a parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent will transfer to an eligible student, however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1954 is entitled to access to the student's records without the eligible student's consent.
- G. **Personally Identifiable Information** includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable,
- H. **School Official** is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- I. **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.
- J. **Student Records**
 - 1. "Student records" will include any information directly related to a student that is recorded in any manner (e.g., in writing, on film, or on tape or disk) and that is maintained by the school system or persons acting for the school system.
 - 2. "Student records" do not include:
 - a. private, personal, or working notes in the sole possession of the maker and which are not accessible or revealed to any other individual except a "substitute";

- b. employment records used only in relation to the student's employment by the school district;
- c. alumni records that contain information about the student after he/she is no longer in attendance at the school;
- d. records on 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; and
- e. 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.

K. 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.

L. 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.

M. 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.

II. General Procedures

The following procedures will apply regarding access to student records:

A. Parents and/or eligible students have the right to inspect and review all education records of their child (or, in the case of an eligible student, all education records pertaining to him/her). A request to inspect and review records will be in writing. The Board, through its administration, will respond to all requests for student records in a prompt manner.

B. For the records of regular education students, the Board, through its administration, will make 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.

- C. For students requiring special education, the Board, through its administration will comply with a request to inspect and review a student' s records within ten (10) days of the request, or within three (3) days of the request if the request is in order to prepare for a meeting regarding an IEP or any due process proceeding.
- D. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive one free copy of their child' s (his/her) educational records. The request for the free copy must be in writing and the administration must comply with the written request within five (5) school days of the request.
- E. The school district will appoint an individual to be responsible for the care and upkeep of all student records. Educational records are kept by categories,
- F. The district will maintain a list of the categories and locations of educational records each of which encompasses a specific type of data collected during a student' s education career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

On an annual basis, the school district will notify parents of students 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 school district and will also be published in the school district' s guide to Pupil Personnel Services. The notice will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student' s education records. .

- G. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- H. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters 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.

III. Confidentiality of Education Records

- A. All school staff must understand that personally identifiable information in student records is confidential. Each person who has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages.
- B. Student records are not public records and any disclosure other than to persons authorized to receive the records without prior parent consent violates the law and Board policy, except as provided in federal and state statutes.

IV. Accessibility to Student Records

- A. A parent or eligible student has the right to inspect and review specific confidential information about the student unless such rights have been waived under Section IX, below.
- B. Aside from a parent or eligible student, only staff members who have been determined by the school system to have a legitimate educational need, and the other exemptions as set forth in Section V, may have access to a student's records. Pursuant to the procedures set forth in Section IV(E), below, the district maintains a record of parties that have requested access to education records, including information found in computer memory banks.
- C. 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 him/her. All requests for access to student records must be in writing. A parent does not lose his or her right to access to records upon divorce. Non-custodial parents retain their rights to review their child's education records unless otherwise ordered by a court. Such notices will 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 will be effective for as long as the child remains in the school the student is attending at the time of the request.
 - 1. When requesting inspection or review of records of regular education students, a parent or eligible student must submit a written request that identifies the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed. Requests will be accommodated within a reasonable period of time, but in no case more than forty-five (45) calendar days after the receipt of such requests.

For students requiring special education, the Board will comply with a request to inspect and review a student's education records within ten (10) days of the request; or within three (3) days of the request if the request is in order to prepare for a meeting regarding an IEP meeting (planning and placement team meeting) or any due process proceeding.

2. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of student records to a designated representative must be signed and dated by the parent or eligible student.
 3. A school professional shall be present at all such inspections and reviews and shall explain and interpret data in the records whenever access is granted.
- D. A fee cannot be charged by the system to search for or to retrieve the educational records of a student. If a student has been identified as requiring special education and related services, the parents' right to inspect and review the child's records shall include the right to receive one free copy of those records. An eligible student who is identified as requiring special education and related services is entitled to one free copy of his/her records. A request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed 50¢ per page.
- E. 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.
1. The record (log) will indicate the name of any individual, agency, or organization that requested or obtained access to the student's records, the date of the request for access, whether access was given, and the purpose for which the party was granted access to the records, including the names of additional parties to whom the receiving party may disclose the information on behalf of the school district, and the legitimate educational interest in obtaining the information.
 2. The record (log) requirement does not apply to requests from, or disclosure to:
 - a) a parent or eligible student;
 - b) a party seeking directory information;
 - c) a party who has signed and dated written consent from the parent and/or eligible student;

- d) 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; and
 - e) persons seeking or receiving the information as directed by a Federal grand jury or other law enforcement subpoena (provided that the information requested is not to be re-disclosed).
3. The record (log) is a permanent part of the student's records and must be available to the parent or eligible student upon request.
 4. If the district makes a release of education records without consent in a health and safety emergency, the district must record: the significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and the parties to whom the district disclosed the information.

V. The Release of Data or Personal Records

- A. The school system or its designated agent(s) may not permit release of personally identifiable records or files of any student to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section V. D below. Personally identifiable information contained in the student record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, e-mailed, etc.) to any person other than those listed below, unless written consent has been obtained.
- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, note the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. If circumstances effectively prevent the parent or eligible student from exercising their right to inspect and review educational records, the board of education will provide the parent or eligible student with a copy of the records requested or make other arrangements for the inspection and/or review of the requested information.
- D. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure is:
 1. To other school officials who have been determined by such agency or institution to have legitimate educational interests in the records.
 2. To officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll.

Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section VII.

3. To authorized representatives of the U.S. Comptroller-U.S. Attorney General, U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs, so long as the district enters into a written agreement with the authorized representatives conducting the audit or evaluation, which agreement must comply with 34 C.F.R. 99.35(a)(3) and require that the authorized representative protects the confidentiality of personally identifiable student information consistent with FERPA requirements. Such entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
4. 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.
5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, if the disclosure concerns the juvenile justice system and its ability effectively to serve the student whose records are released. If reporting or disclosure is permitted pursuant to a state statute concerning the juvenile justice system adopted after November 19, 1974, such disclosure may be made without consent only if the officials and authorities to whom the records are disclosed certify in writing to the school district that the information 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.
6. 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 the study does not permit personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed after it is no longer needed for the purposes for which the study was conducted.
7. To accrediting organizations in order to carry out their accrediting functions.

8. 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. To comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
10. 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.
11. Between two or more public schools in which the student is enrolled or receiving services.
12. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
13. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student' s educational records that are relevant for the school district to defend itself.
14. To the Attorney General of the United States or his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code. When producing information or permitting access to student records pursuant to this subsection, the school district is not required to record its disclosure in the record (log) referred to in Section V(E).

E. Directory Information

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

objection to the disclosure of directory information shall be good for only one year.

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

F. Security Videos

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

G. Disciplinary Records

Nothing in this policy will prevent the school district from:

1. Including in the education records of a student, appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
 2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.
 3. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- H. The District will also facilitate the transfer of a student' s disciplinary records to officials of any private school in which the student seeks or intends to enroll.

I. Records of the Department of Children and Families (“ DCF”)

Documents related to any Department of Children and Families (“ DCF”) child abuse and/or neglect investigations that are maintained by the Board are considered educational records under the Family Educational Rights and Privacy Act (“ FERPA”). As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records should be kept in a confidential location, with restricted access and shall be disclosed only as authorized by law.

In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the administration will redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

The administration will redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

VI.. Amendment of Student Records

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

VII. Hearing Rights and Procedures

A. Rights

- 1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing will be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
- 2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records will be amended, and the parent or eligible student shall be informed in writing.
- 3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student will be informed of the right to place in the student's records a statement setting forth the reasons for disagreement with the decision.
 - a. Any explanation placed in the records of the student will be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

- b. If the records of the student or the contested portion are disclosed by the school system, the statement of disagreement by the parents and/or eligible student will also be disclosed.

B. Procedures

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

VIII. Waiver of Rights

- A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:
 1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
 2. The letters or statements are used only for the purpose for which they were originally intended.
 3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.

4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.
- D. If a parent of a student executes a waiver, that waiver may be revoked by the student at any time after he/she reaches the age of 18.

IX. Special Confidentiality Procedures for HIV-Related Information

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

1. Confidential HIV-Related Information

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

2. Health Care Provider

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

3. Protected Individual

"Protected individual" means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

"Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to

health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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

C. Accessibility of Confidential HIV-related Information

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

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release will be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to

whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures will be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

X. Child Abuse Reporting

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

XI. Right to File a Complaint

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

Family Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 et seq.
Conn. Gen. Stat. § 10-15b
Conn. Gen. Stat. § 17a-28
Conn. Gen. Stat. § 17a-101k
Conn. Gen. Stat. § 19a-581 et seq.
Regs. Conn. State Agencies § 10-76d-18
Public Act 06-115 An Act Concerning Bullying Policies in Schools and
Notices Sent to Parents or Legal Guardians

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

Office of the Public Records Administrator, Retention Schedule M8-Education Records, available at <http://www.cslib.org/retschedules.htm>

Federal Law:

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

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

No Child Left Behind Act of 2001, Pub. L. No. 107-110

34 CFR 99.1 - 99.67

34 CFR 300.560-300.576

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

Policy Adopted: March 11, 1974
Policy Revised: February 23, 2004
Policy Revised: May 29, 2012

Administrative Guidelines

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

A. CATEGORY "A" RECORDS:

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.
2. Category A records should be reviewed at least every three (3) years, while the student is in school.

3. Category A records may be maintained on microfilm after six (6) years beyond graduating class date.
4. Category A records shall be maintained for at least fifty (50) years after the student leaves school or graduates.
5. Category A records shall include the following identifying data:

<u>RECORD</u>	<u>LOCATION</u>
a. Name, address, date of birth	Cumulative/Health File
b. Name of parent(s) or guardian, address, telephone #	Cumulative/Health File
c. Academic achievement (grades/transcript)	Cumulative File
d. Level of academic achievement (class standing/academic level)	Cumulative File
e. Date of high school graduation or equivalent	Cumulative File
f. Student activities and significant awards	Cumulative File
g. Records of immunizations	Cumulative/Health/Pupil Personnel File

B. CATEGORY "B" RECORDS

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.
2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's school record. Category B information should be reviewed at least every three (3) years while the student is in school.
3. Category B records may be destroyed after six (6) years following the student's graduation, or the graduation of the class to which he/she belonged.
4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative educational record if the student graduates from high school, except for notice of an expulsion based upon possession of a firearm or deadly weapon.
5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in

accordance with the Board' s disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student' s cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than after graduation. Should the notice be expunged in accordance with this provision, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student' s cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student' s first suspension or expulsions.

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

<u>RECORD</u>	<u>LOCATION</u>
a. Standardized academic achievement test scores (CTBS, CAPT, CMT)	Cumulative File
b. Standardized group aptitude and/or personality testing program results	Cumulative File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Family background information	Cumulative File
g. Systematically gathered teacher or counselor ratings and observations	Cumulative File

h. Comprehensive health records	Cumulative/Health/Pupil Personnel File
i. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File
j. Disciplinary records	Cumulative File*
k. Extracurricular activities	Cumulative File
l. Letters of Recommendation	Cumulative File
m. Parent/eligible student' s signed release forms for disclosure	Cumulative/Health/Pupil Personnel File
n. Family with Service Needs Records	Cumulative File
o. Reports of Child Abuse/Neglect	CONFIDENTIAL FILE
p. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE

C. CATEGORY “ C” RECORDS – SPECIAL EDUCATION

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.
2. Category C information should be kept separate from the student' s cumulative folder, in the Pupil Personnel File, and reviewed annually.
3. Category C records may be destroyed after six (6) years following the student' s graduation, or the graduation of the class to which he/she belonged. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C will include (where applicable):

<u>RECORD</u>	<u>LOCATIONS</u>
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a. PPT referral forms	Pupil Personnel File
b. Reports of serious recurrent behavior patterns	Pupil Personnel File
c. Psychological evaluations and psychologists' reports or recommendations	Pupil Personnel File
d. Planning and Placement Team minutes, findings, and recommendations	Pupil Personnel File
e. Individualized education plans (" IEPs")	Pupil Personnel File
f. School social work summaries	Pupil Personnel File
g. Learning disabilities evaluations	Pupil Personnel File
h. Occupational therapy evaluations	Pupil Personnel File
i. Physical therapy evaluations	Pupil Personnel File
j. Reports of evaluations completed outside the school system (neurological, psychiatric, medical, etc.)	Pupil Personnel File
k. Section 504 Records	Pupil Personnel File
l. Consent forms	Pupil Personnel File
m. Individualized Family Service Plans (" IFSPs")	Pupil Personnel File
n. Due process records	Pupil Personnel File

D. DURATION OF STUDENT RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.

2. Records may be maintained for longer periods of time may whenever valid cause for the retention of records is shown to the custodian of records.

E. RESPONSIBILITY FOR MAINTENANCE OF STUDENT RECORDS

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

ANNUAL FERPA NOTIFICATION OF RIGHTS

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

Notification of Rights Under FERPA for Elementary and Secondary Institutions

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

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

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

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

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

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

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

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

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

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

ANNUAL NOTICE REGARDING “ DIRECTORY INFORMATION”

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

Annual Notice Regarding Release of “ Directory Information”

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

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

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

The written objection to the disclosure of directory information shall be good for only one year. School districts are legally obligated to provide military recruiters and

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

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

I hereby authorize _____ [name of individual who holds the information] _____, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning _____ [name of protected individual] _____, to the following personnel at _____ { name of school } _____.

- _____ 1) School Nurse: _____
- _____ 2) School Administrator(s):
 - a. _____
 - b. _____
- _____ 3) Student's Teacher(s)
 - a. _____
 - b. _____
 - c. _____
 - d. _____
- _____ 4) Paraprofessional(s): _____
- _____ 5) Director of Pupil Personnel Services: _____
- _____ 6) Other(s)
 - a. _____
 - b. _____

This authorization shall be valid for:

- _____ 1) The student's stay at _____ [name of school] _____ School
- _____ 2) The current school year.
- _____ 3) Other _____
specify period

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

[Name]

[Relationship to Student]

[Signature]

[Date]

TRANSFER OF CONFIDENTIAL STUDENT INFORMATION (1)

Date: _____

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

Name of Child: _____

Address: _____

DOB: _____

Parent(s)/Guardian(s): _____

School: _____

(Please check all that apply)

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

To/From: _____

Name

Address: _____

Street

Town

State/Zip Code

Telephone: (____) _____

Fax: (____) _____

Signature of Parent/Guardian

Date

Print Name of Parent/Guardian

TRANSFER OF CONFIDENTIAL STUDENT INFORMATION (2)

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

I, the undersigned, specifically authorize _____ to disclose my child' s
Name of Physician

medical information, as specified above, to my child' s school, _____,
Name of School

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

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

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may not longer be protected by federal privacy regulations.

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

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

Signature of Parent/Guardian

Date

Print Name of Parent/Guardian
