

Appendix I: Connecticut's Student Data Privacy Law (Connecticut General Statutes Sections 10-234aa through 10-234dd)

School food authority (SFA): The Consolidated School District of New Britain

Food service management
company (FSMC): _____

Effective October 1, 2016, SFAs contracting with a FSMC must complete the following contract provisions if the FSMC meets the definition of a "contractor" as defined below. Hereafter contractor, operator and consultant will be referred to as the FSMC. Hereafter, local or regional board of education will be referred to as the SFA.

Section 1 – Definitions:

- (1) "Contractor" means an operator or consultant that is in possession of or has access to student information, student records or student-generated content as a result of a contract with a local or regional board of education;
- (2) "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;
- (3) "Consultant" means a professional who provides noninstructional services, including, but not limited to, administrative, planning, analysis, statistical or research services, to a local or regional board of education pursuant to a contract with such local or regional board of education;
- (4) "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: (A) 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, (B) created or provided by an employee or agent of a local or regional board of education to an operator for school purposes, or (C) 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, 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;

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- (5) "Student record" means any information directly related to a student that is maintained by a local or regional board of education, the State Board of Education or the Department of Education or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of a local or regional board of education, except "student record" does not include de-identified student information allowed under the contract to be used by the contractor to (A) improve educational products for adaptive learning purposes and customize student learning, (B) demonstrate the effectiveness of the contractor's products in the marketing of such products, and (C) develop and improve the contractor's products and services;
- (6) "Student-generated content" means any student materials created by a student including, but not limited to, essays, research papers, portfolios, creative writing, music or other audio files or photographs, except "student-generated content" does not include student responses to a standardized assessment;
- (7) "Directory information" has the same meaning as provided in 34 CFR 99.3, as amended from time to time;
- (8) "School purposes" means purposes that customarily take place at the direction of a teacher or a local or regional board of education, 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;
- (9) "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 section 10-10a of the general statutes, (B) enrolled in grades kindergarten to twelve, inclusive, in a public school, (C) receiving special education and related services under an individualized education program, or (D) otherwise the responsibility of a local or regional board of education;
- (10) "Targeted advertising" means presenting an advertisement to a student where the selection of the advertisement is based on student information, student records or student-generated content or inferred over time from the usage of the operator's Internet web site, online service or mobile application by such student or the retention of such student's online activities or requests over time for the purpose of targeting subsequent advertisements. "Targeted advertising" does not include any advertising to a student on an Internet web site that such student is accessing at the time or in response to a student's response or request for information or feedback;
- (11) "De-identified student information" means any student information that has been altered to prevent the identification of an individual student; and
- (12) "Persistent unique identifier" means a unique piece of information that can be used to recognize a user over time and across different Internet web sites, online services or mobile

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applications and is acquired as a result of the use of a student's use of an operator's Internet web site, online service, or mobile application.

Section 2: Effective October 1, 2016, and applicable to contracts entered into, amended or renewed on or after this date;

- (a) (1) Student records and student-generated content are not the property of or under the control of a contractor.
- (2) **SFA must enter below** a description of the means by which the local or regional board of education may request the deletion of student information, student records or student-generated content in the possession of the contractor.

See attached policy 5125.00

- (3) The FSMC affirms herein that it shall not use student information, student records and student-generated content for any purposes other than those authorized pursuant to the contract.
- (4) **SFA must enter below** a description of the procedures by which a student, parent or legal guardian of a student may review personally identifiable information contained in student information, student records or student-generated content and correct erroneous information, if any, in such student record;

See attached policy 5125.00

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- (5) The FSMC shall take actions designed to ensure the security and confidentiality of student information, student records and student-generated content.
- (6) **The FSMC must enter below** a description of the procedures that the FSMC will follow to notify the local or regional board of education when there has been an unauthorized release, disclosure or acquisition of student information, student records or student-generated content.

- (7) Student information, student records or student-generated content shall not be retained or available to the FSMC upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the FSMC for the purpose of storing student-generated content.
 - (8) The FSMC and the local or regional board of education shall ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time.
 - (9) The laws of the state of Connecticut shall govern the rights and duties of the FSMC and the SFA.
 - (10) If any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the contract which can be given effect without the invalid provision or application.
- (b) All student-generated content shall be the property of the student or the parent or legal guardian of the student.
 - (c) The FSMC shall implement and maintain security procedures and practices designed to protect student information, student records and student-generated content from unauthorized access, destruction, use, modification or disclosure that, based on the sensitivity of the data and the risk from unauthorized access, (1) use technologies and methodologies that are consistent with the guidance issued pursuant to section 13402(h)(2) of Public Law 111-5, as amended from time to time, (2) maintain technical safeguards as it relates to the possession of student records in a manner consistent with the provisions of 45

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CFR 164.312, as amended from time to time, and (3) otherwise meet or exceed industry standards.

- (d) The FSMC shall not use (1) student information, student records or student-generated content for any purposes other than those authorized pursuant to the contract, or (2) personally identifiable information contained in student information, student records or student-generated content to engage in targeted advertising.
- (e) Any provision of a contract entered into between the FSMC and SFA that conflicts with any provision of this section shall be void.

Section 3 [Applicable if the FSMC meets the definition of "operator" in Section 1 above.]

- (a) The FSMC shall
 - (1) implement and maintain security procedures and practices that meet or exceed industry standards and that are designed to protect student information, student records and student-generated content from unauthorized access, destruction, use, modification, or disclosure, and
 - (2) delete any student information, student records or student-generated content within a reasonable amount of time if a student, parent, or legal guardian of a student or local or regional board of education who has the right to control such student information requests the deletion of such student information, student records, or student-generated content.
- (b) The FSMC shall not knowingly:
 - (1) Engage in (A) targeted advertising on the operator's Internet web site, online service or mobile application, or (B) targeted advertising on any other Internet web site, online service or mobile application if such advertising is based on any student information, student records, student-generated content or persistent unique identifiers that the operator has acquired because of the use of the FSMC's Internet web site, online service or mobile application for school purposes;
 - (2) Collect, store and use student information, student records, student-generated content or persistent unique identifiers for purposes other than the furtherance of school purposes;
 - (3) Sell, rent, or trade student information, student records or student-generated content unless the sale is part of the purchase, merger, or acquisition of a FSMC by a successor FSMC and the FSMC and successor FSMC continue to be subject to the provisions of this section regarding student information; or
 - (4) Disclose student information, student records or student-generated content unless the disclosure is made (A) in furtherance of school purposes of the Internet web site, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet web

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site, online service or mobile application and complies with subsection (a) of this section; (B) to ensure compliance with federal or state law or regulations or pursuant to a court order; (C) in response to a judicial order; (D) to protect the safety or integrity of users or others, or the security of the Internet web site, online service or mobile application; (E) to an entity hired by the FSMC to provide services for the FSMC's Internet web site, online service or mobile application, provided the FSMC contractually (i) prohibits the entity from using student information, student records or student-generated content for any purpose other than providing the contracted service to, or on behalf of, the FSMC, (ii) prohibits the entity from disclosing student information, student records or student-generated content provided by the operator to subsequent third parties, and (iii) requires the entity to comply with subsection (a) of this section; or (F) for a school purpose or other educational or employment purpose requested by a student or the parent or legal guardian of a student, provided such student information is not used or disclosed for any other purpose.

- (c) The FSMC may use student information (1) to maintain, support, improve, evaluate or diagnose the operator's Internet web site, online service or mobile application, (2) for adaptive learning purposes or customized student learning, (3) to provide recommendation engines to recommend content or services relating to school purposes or other educational or employment purposes, provided such recommendation is not determined in whole or in part by payment or other consideration from a third party, or (4) to respond to a request for information or feedback from a student, provided such response is not determined in whole or in part by payment or other consideration from a third party.
- (d) The FSMC may use de-identified student information or aggregated student information (1) to develop or improve the FSMC's Internet web site, online service or mobile application, or other Internet web sites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the FSMC's Internet web site, online service, or mobile application.
- (e) The FSMC may share aggregated student information or de-identified student information for the improvement and development of Internet web sites, online services or mobile applications designed for school purposes.

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Section 4: [Applicable if the FSMC meets the definitions of "contractor" and "operator" as defined in Section 1 above.]

(a) Unauthorized release, disclosure or acquisition of student information.

- (1) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, excluding any directory information contained in such student information, the FSMC shall notify, without unreasonable delay, but not more than thirty days after such discovery, the local or regional board of education of such breach of security. During such thirty-day period, the FSMC may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose student information is involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the FSMC's data system.
- (2) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student records or student-generated content, the FSMC shall notify, without unreasonable delay, but not more than sixty days after such discovery, the local or regional board of education of such breach of security. During such sixty-day period, the FSMC may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose directory information, student records or student-generated content is involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the contractor's data system.
- (3) Upon receipt of notice of a breach of security under subdivisions (1) or (2) of this subsection, a local or regional board of education shall electronically notify, not later than forty-eight hours after receipt of such notice, the student and the parents or guardians of the student whose student information, student records or student-generated content is involved in such breach of security. The local or regional board of education shall post such notice on the board's Internet web site.

- (b) Upon the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, student records or student-generated content, the FSMC that is in possession of or maintains student information, student records or student-generated content as a result of a student's use of such FSMC's Internet web site, online service or mobile application, shall (1) notify, without unreasonable delay, but not more than thirty days after such discovery, the student or the parents or guardians of such student of any breach of security that results in the unauthorized release, disclosure or acquisition of student information, excluding any directory information contained in such student information, of such student, and (2) notify, without unreasonable delay, but not more than sixty days after such discovery, the student or the parents or guardians of such student of any breach of security that results in the unauthorized release, disclosure or acquisition of

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directory information, student records or student-generated content of such student. During such thirty-day or sixty-day period, the FSMC may (A) conduct an investigation to determine the nature and scope of such unauthorized release, disclosure or acquisition, and the identity of the students whose student information, student records or student-generated content are involved in such unauthorized release, disclosure or acquisition, or (B) restore the reasonable integrity of the FSMC's data system.

Signature of FSMC's authorized representative

Title

Printed name of FSMC's authorized
representative

Date

Signature of SFA's authorized representative

Title

Printed name of SFA's authorized
representative

Date

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For more information, visit the Connecticut State Department of Education's Food Service Management Company (FSMC) webpage or contact the CSDE's FSMC staff at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

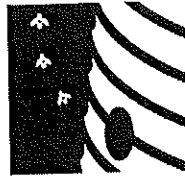
To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

This institution is an equal opportunity provider.

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CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5125.00 - Privacy Rights of Parents and Students

Approved on August 15, 1994

The Board of Education complies with the state and federal regulations regarding confidentiality and access to all student's records. The Board shall implement procedures that ensure strict confidentiality of student records while providing proper parental access to records. Availability of these policies and procedures shall be made known annually to parents of children receiving special education.

Legal References/Citations

Family Educational Rights and Privacy Act (FERPA) 1974

Conn. Gen. Statute Section 10-76(d)-18(b)(1)(2)



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5125.00 - Privacy Rights of Parents and Students

Approved on August 15, 1994

I. Definitions

For the purpose of these policies and procedures for educational records, the Consolidates School District if New Britain has used the following definitions of terms:

- A. Disclosure: To permit access to or the release, transfer or other communication of educational records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written or electronic means.
- B. Educational Records: Any information recorded in any way (e.g. handwriting, print, tape, film, microfilm and microfiche) that is 1) directly related to a student and 2) maintained by the School District or by a party acting for the School District, except:
 - a. Personal records that are kept in the sole possession of the school staff member who made them and that are not accessible to or revealed to any other person except the staff member's temporary substitute;
 - b. Employment records that are used only in relation to the student's employment by the Consolidated School District of New Britain; and
 - c. Alumni records that contain information about a student after he or she is no longer in attendance at the Consolidated School District of New Britain; these records do not relate to the person as a student.
- C. Eligible Student: 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. Extra Confidential Records: Education records to which access by school officials and by other parties identified in Section 99.31 of the Family Education Rights and Privacy Act (FERPA) regulations should be strictly limited by the need to know. The extra confidential records maintained by the Consolidated School District of New Britain include psychiatric evaluations, family assessments and child abuse reports.
- E. Parent: A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.
- F. Party: An individual, agency, institution or organization.

G. Personally Identifiable Information: Information that includes, but is not limited to:

- a. The student's name,
- b. The name of the student's parent or other family members,
- c. The address of the student or student's family,
- d. A personal identifier, such as the student's social security number or the student's school identification number,
- e. A list of personal characteristics that would make the student's identity easily traceable, and
- f. Other information that would make the student's identity easily traceable.

II. Annual Notifications of Rights

Parents and eligible students are notified annually by the Consolidated School District of New Britain of the rights accorded to them by the Family Educational Rights and Privacy Act (FERPA) of 1974. Eligible students and parents of high school students are notified annually of their FERPA rights by the publication of these rights in the high school's student handbook. Parents of students in grades pre-kindergarten to eighth are notified annually of their FERPA rights by the publication of these rights in newsletters distributed to parents by District personnel in the beginning of the school year. The annual notification of rights informs eligible students and parents that they have a right to:

- A. Inspect and review the student's education records;
- B. Request the amendments of student's education records to ensure that the records are not inaccurate, misleading or otherwise in violation of the student's privacy rights or other rights;
- C. Consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that FERPA regulations authorize disclosure without consent;
- D. File with the United States Department of Education a complaint concerning alleged failures by the Consolidated School District of New Britain to comply with the FERPA regulations; and
- E. Obtain a copy of the Consolidated School District of New Britain's policies for student education records. Copies of these policies are located in the office of the Superintendent of Schools and in the principal's office of each school in the District.
- F. The annual notice shall include the procedures for exercising the right to inspect and review educational records and for requesting amendments of records, along with a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

III. Procedure to Inspect and Review Educational Records

Eligible students and parents of students may, upon request, inspect and review the student's educational records. Eligible students or parents must submit to the Custodian of Records or his or her designate a written request that identifies as accurately as possible the record or records for which the request for inspection and

review is submitted. An authorized official of 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 by parents and eligible students to inspect and review the student's education records will be accommodated within a reasonable period of time, but in no case, no more than 45 calendar days after the receipt of such requests. As required by Section 10-76D-18(b)(1) of the Regulations of Connecticut State Agencies, request by parents of students requiring special education and related services will be accommodated within ten school days if the receipt of such requests, within three school days of the receipt of such requests if the requests are made in order to prepare for a meeting regarding individualized education program or within three calendar days of such a request if the request is made in order to prepare for a meeting related to any due process proceeding.

When a record contains information about students other than the eligible student or parent's child, the eligible student or parent will not be allowed to inspect or review the portion of the record that pertains to other students.

IV. Refusal to Provide Copies of Education Records

The Consolidated School District of New Britain does not provide to an eligible student or parent a copy of the student's education records unless failure to do so would effectively prevent the eligible student or parent the right to inspect and review such records. An exception to this policy is made, however, for the parent of students requiring special education and related services. As required by Section 10-76(d)-18(b)(2) of the Regulations of Connecticut State Agencies, one free copy of the student's education records will be provided, within five school days of written request, to the parents of students requiring special education and related services.

V. Types, Locations and Custodians of Education Records

For a complete list of types, locations and custodians of education records, please contact the Department of Pupil Services at 860-827-2235.

VI. Fees for Copies of Records

The fee for copies of the student records is \$.50 amount per page. As required by Section 10-76(d)-18(b)(2) of the Regulations of Connecticut State Agencies, one free copy of the student's education records will be provided, within five school days of a written request, to the parents of students requiring special education and related services. After one free copy is provided by the School District to the parents of students requiring special education and related services, the standard fee per page will be charged for any additional copies of the student's education records.

VII. Disclosure of Education Records

The Consolidated School District of New Britain will disclose personally identifiable information from the student's education records only with the written consent of the parent or eligible student, except:

A. To school officials who have legitimate educational interest in the records:

- a. A school official is a person employed by the District as an administrator, supervisor, teacher, teacher aide, administrative assistant, secretary or clerk OR a person employed by or under contract to the School District to perform a special task (e.g. attorney, auditor or medical consultant).
- b. A school official has a legitimate educational interest if the official is performing a task or responsibility that is specified in his or her job description, position description or contract agreement. This includes performing a task related to a student's education, performing a task related to the discipline of a student and/or providing a service or a benefit to the student and/or

the student's family including, but not limited to, health care, parent effectiveness training and homebound instruction.

- c. To officials of another school, school system or institution of post-secondary education in which the student seeks or intends to enroll;
- d. To authorize officials of the U.S. Department of Education, the Comptroller General of the United States and state and local education authorities, provided the disclosure of the information pertains to state supported or federally supported education programs and meets the requirements of Section 99.35(b)(1) and 99.35(b)(2) of the Family Education Rights and Privacy Act of 1974; and
- e. To State and local officials or authorities information concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released, including requests by the juvenile courts and prosecutors and other juvenile court officials and authorities, provided that the officials or authorities to whom the records are disclosed shall certify in writing to the New Britain School District that this information shall not be further disclosed to any other party, except as provided under state or federal law, without the prior written consent of the parent.
- f. To organizations conducting studies for, or on behalf of, the School District to develop, validate or administer predictive tests and/or improve instruction
- g. To accrediting organizations to carry out their accrediting functions;
- h. To parents of an eligible student who claim the student as a dependent for income tax purposes, as defined in section 152 of the Internal Revenue Code of 1954;
- i. To comply with a judicial order or lawfully issues subpoena, provided that the School District shall make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or relevant student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena or law enforcement subpoena in which the court or issuing agency had ordered that the existence or contents of the subpoena, or information furnished in response to the subpoena, not be disclosed.
- j. To appropriate parties in connection with an emergency, of knowledge of the information is necessary to protect the health or safety of the student or other individuals; and
- k. To parties seeking directory information.

VIII. Personally Identifiable Information

The Consolidated School District of New Britain will maintain a record of all requests for and/or disclosures of personally identifiable information from a student's education records. The record will indicate:

- A. The names of the parties who have requested or received personally identifiable information,
- B. The names of the additional parties to which the receiving party may disclose the information on behalf of the School District, and

- C. The legitimate interest the parties, described in paragraphs VI. A through J above, had in requesting or obtaining information.

The record request and/or disclosures will be maintained as long as the student's education records are maintained and may be inspected by the eligible student or parent. The procedure for recording the names and legitimate interest of parties does not apply if the request for information was from or the disclosure was to:

- The eligible student or parent
- A school official, as defined under Disclosure of Education Records
- A party seeking directory information

IX. Correction of Education Records

An eligible student or parent has the right to request that education records be corrected if it is believed that the records are inaccurate, misleading or in violation of the student's rights of privacy or other rights. The following are the procedures for the correction of student education records:

- A. The eligible student or parent must request the Consolidated School District of New Britain to correct the record. In requesting the correction of the record, the eligible student or parent must identify the part of the record he or she wishes to change and specify why it is believed that the part of the record in question is inaccurate, misleading or in violation of the student's rights of privacy or other rights.
- B. The Consolidated School District of New Britain will decide within a reasonable period of time to comply or not to comply with the request to correct the record. If the School District decides not to comply, it will notify the eligible student or parent of its decision and advise him or her of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights of privacy or other rights.
- C. Upon request, the School District will hold a hearing within a reasonable period of time. The eligible student or parent will be notified, in advance, of the date, time and place of the hearing.
- D. The hearing will be conducted by an individual who does not have direct interest in the outcome of the hearing. The hearing officer may be an official of the School District. The eligible student or parent will be provided a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's record. The eligible student or parent may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney.
- E. The School District will prepare within a reasonable period of time a written decision based solely on the evidence presented at the hearing. The decision will conclude a summary of the evidence presented and reasons for the decision.
- F. If, as a result of the hearing, the School District decides that the information in the education record is inaccurate, misleading or in violation of the student's rights of privacy or other rights, it will correct the record and inform, in writing, the eligible student or parent of the correction.
- G. If, as a result of the hearing, the School District decides that the information in the student's educational records is not inaccurate, misleading or in violation of the student's rights of privacy or other rights, it will inform the eligible student or parent of the right to place a statement in the record commenting on the contested information in the record and/or stating why he or she disagrees with the School District's decision. The statement will be maintained as part of the student's education records as long as the

contested portion of the record is maintained. If the Consolidated School District of New Britain discloses the contested portion of the record, it will also disclose the eligible student or parent's statement.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5125.00 - Privacy Rights of Parents and Students

Approved on August 15, 1994

The Board of Education complies with the state and federal regulations regarding confidentiality and access to all student's records. The Board shall implement procedures that ensure strict confidentiality of student records while providing proper parental access to records. Availability of these policies and procedures shall be made known annually to parents of children receiving special education.

Legal References/Citations

Family Educational Rights and Privacy Act (FERPA) 1974
Conn. Gen. Statute Section 10-76(d)-18(b)(1)(2)



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5125.00 - Privacy Rights of Parents and Students

Approved on August 15, 1994

I. Definitions

For the purpose of these policies and procedures for educational records, the Consolidated School District of New Britain has used the following definitions of terms:

- A. Disclosure: To permit access to or the release, transfer or other communication of educational records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written or electronic means.
- B. Educational Records: Any information recorded in any way (e.g. handwriting, print, tape, film, microfilm and microfiche) that is 1) directly related to a student and 2) maintained by the School District or by a party acting for the School District, except:
 - a. Personal records that are kept in the sole possession of the school staff member who made them and that are not accessible to or revealed to any other person except the staff member's temporary substitute;
 - b. Employment records that are used only in relation to the student's employment by the Consolidated School District of New Britain; and
 - c. Alumni records that contain information about a student after he or she is no longer in attendance at the Consolidated School District of New Britain; these records do not relate to the person as a student.
- C. Eligible Student: 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. Extra Confidential Records: Education records to which access by school officials and by other parties identified in Section 99.31 of the Family Education Rights and Privacy Act (FERPA) regulations should be strictly limited by the need to know. The extra confidential records maintained by the Consolidated School District of New Britain include psychiatric evaluations, family assessments and child abuse reports.
- E. Parent: A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.
- F. Party: An individual, agency, institution or organization.

G. Personally Identifiable Information: Information that includes, but is not limited to:

- a. The student's name,
- b. The name of the student's parent or other family members,
- c. The address of the student or student's family,
- d. A personal identifier, such as the student's social security number or the student's school identification number,
- e. A list of personal characteristics that would make the student's identity easily traceable, and
- f. Other information that would make the student's identity easily traceable.

II. Annual Notifications of Rights

Parents and eligible students are notified annually by the Consolidated School District of New Britain of the rights accorded to them by the Family Educational Rights and Privacy Act (FERPA) of 1974. Eligible students and parents of high school students are notified annually of their FERPA rights by the publication of these rights in the high school's student handbook. Parents of students in grades pre-kindergarten to eighth are notified annually of their FERPA rights by the publication of these rights in newsletters distributed to parents by District personnel in the beginning of the school year. The annual notification of rights informs eligible students and parents that they have a right to:

- A. Inspect and review the student's education records;
- B. Request the amendments of student's education records to ensure that the records are not inaccurate, misleading or otherwise in violation of the student's privacy rights or other rights;
- C. Consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that FERPA regulations authorize disclosure without consent;
- D. File with the United States Department of Education a complaint concerning alleged failures by the Consolidated School District of New Britain to comply with the FERPA regulations; and
- E. Obtain a copy of the Consolidated School District of New Britain's policies for student education records. Copies of these policies are located in the office of the Superintendent of Schools and in the principal's office of each school in the District.
- F. The annual notice shall include the procedures for exercising the right to inspect and review educational records and for requesting amendments of records, along with a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

III. Procedure to Inspect and Review Educational Records

Eligible students and parents of students may, upon request, inspect and review the student's educational records. Eligible students or parents must submit to the Custodian of Records or his or her designate a written request that identifies as accurately as possible the record or records for which the request for inspection and

review is submitted. An authorized official of 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 by parents and eligible students to inspect and review the student's education records will be accommodated within a reasonable period of time, but in no case, no more than 45 calendar days after the receipt of such requests. As required by Section 10-76D-18(b)(1) of the Regulations of Connecticut State Agencies, request by parents of students requiring special education and related services will be accommodated within ten school days if the receipt of such requests, within three school days of the receipt of such requests if the requests are made in order to prepare for a meeting regarding individualized education program or within three calendar days of such a request if the request is made in order to prepare for a meeting related to any due process proceeding.

When a record contains information about students other than the eligible student or parent's child, the eligible student or parent will not be allowed to inspect or review the portion of the record that pertains to other students.

IV. Refusal to Provide Copies of Education Records

The Consolidated School District of New Britain does not provide to an eligible student or parent a copy of the student's education records unless failure to do so would effectively prevent the eligible student or parent the right to inspect and review such records. An exception to this policy is made, however, for the parent of students requiring special education and related services. As required by Section 10-76(d)-18(b)(2) of the Regulations of Connecticut State Agencies, one free copy of the student's education records will be provided, within five school days of written request, to the parents of students requiring special education and related services.

V. Types, Locations and Custodians of Education Records

For a complete list of types, locations and custodians of education records, please contact the Department of Pupil Services at 860-827-2235.

VI. Fees for Copies of Records

The fee for copies of the student records is \$.50 amount per page. As required by Section 10-76(d)-18(b)(2) of the Regulations of Connecticut State Agencies, one free copy of the student's education records will be provided, within five school days of a written request, to the parents of students requiring special education and related services. After one free copy is provided by the School District to the parents of students requiring special education and related services, the standard fee per page will be charged for any additional copies of the student's education records.

VII. Disclosure of Education Records

The Consolidated School District of New Britain will disclose personally identifiable information from the student's education records only with the written consent of the parent or eligible student, except:

A. To school officials who have legitimate educational interest in the records:

- a. A school official is a person employed by the District as an administrator, supervisor, teacher, teacher aide, administrative assistant, secretary or clerk OR a person employed by or under contract to the School District to perform a special task (e.g. attorney, auditor or medical consultant).
- b. A school official has a legitimate educational interest if the official is performing a task or responsibility that is specified in his or her job description, position description or contract agreement. This includes performing a task related to a student's education, performing a task related to the discipline of a student and/or providing a service or a benefit to the student and/or

the student's family including, but not limited to, health care, parent effectiveness training and homebound instruction.

- c. To officials of another school, school system or institution of post-secondary education in which the student seeks or intends to enroll;
- d. To authorize officials of the U.S. Department of Education, the Comptroller General of the United States and state and local education authorities, provided the disclosure of the information pertains to state supported or federally supported education programs and meets the requirements of Section 99.35(b)(1) and 99.35(b)(2) of the Family Education Rights and Privacy Act of 1974; and
- e. To State and local officials or authorities information concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released, including requests by the juvenile courts and prosecutors and other juvenile court officials and authorities, provided that the officials or authorities to whom the records are disclosed shall certify in writing to the New Britain School District that this information shall not be further disclosed to any other party, except as provided under state or federal law, without the prior written consent of the parent.
- f. To organizations conducting studies for, or on behalf of, the School District to develop, validate or administer predictive tests and/or improve instruction
- g. To accrediting organizations to carry out their accrediting functions;
- h. To parents of an eligible student who claim the student as a dependent for income tax purposes, as defined in section 152 of the Internal Revenue Code of 1954;
- i. To comply with a judicial order or lawfully issues subpoena, provided that the School District shall make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or relevant student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena or law enforcement subpoena in which the court or issuing agency had ordered that the existence or contents of the subpoena, or information furnished in response to the subpoena, not be disclosed.
- j. To appropriate parties in connection with an emergency, of knowledge of the information is necessary to protect the health or safety of the student or other individuals; and
- k. To parties seeking directory information.

VIII. Personally Identifiable Information

The Consolidated School District of New Britain will maintain a record of all requests for and/or disclosures of personally identifiable information from a student's education records. The record will indicate:

- A. The names of the parties who have requested or received personally identifiable information,
- B. The names of the additional parties to which the receiving party may disclose the information on behalf of the School District, and

- C. The legitimate interest the parties, described in paragraphs VI. A through J above, had in requesting or obtaining information.

The record request and/or disclosures will be maintained as long as the student's education records are maintained and may be inspected by the eligible student or parent. The procedure for recording the names and legitimate interest of parties does not apply if the request for information was from or the disclosure was to:

- The eligible student or parent
- A school official, as defined under Disclosure of Education Records
- A party seeking directory information

IX. Correction of Education Records

An eligible student or parent has the right to request that education records be corrected if it is believed that the records are inaccurate, misleading or in violation of the student's rights of privacy or other rights. The following are the procedures for the correction of student education records:

- A. The eligible student or parent must request the Consolidated School District of New Britain to correct the record. In requesting the correction of the record, the eligible student or parent must identify the part of the record he or she wishes to change and specify why it is believed that the part of the record in question is inaccurate, misleading or in violation of the student's rights of privacy or other rights.
- B. The Consolidated School District of New Britain will decide within a reasonable period of time to comply or not to comply with the request to correct the record. If the School District decides not to comply, it will notify the eligible student or parent of its decision and advise him or her of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights of privacy or other rights.
- C. Upon request, the School District will hold a hearing within a reasonable period of time. The eligible student or parent will be notified, in advance, of the date, time and place of the hearing.
- D. The hearing will be conducted by an individual who does not have direct interest in the outcome of the hearing. The hearing officer may be an official of the School District. The eligible student or parent will be provided a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's record. The eligible student or parent may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney.
- E. The School District will prepare within a reasonable period of time a written decision based solely on the evidence presented at the hearing. The decision will conclude a summary of the evidence presented and reasons for the decision.
- F. If, as a result of the hearing, the School District decides that the information in the education record is inaccurate, misleading or in violation of the student's rights of privacy or other rights, it will correct the record and inform, in writing, the eligible student or parent of the correction.
- G. If, as a result of the hearing, the School District decides that the information in the student's educational records is not inaccurate, misleading or in violation of the student's rights of privacy or other rights, it will inform the eligible student or parent of the right to place a statement in the record commenting on the contested information in the record and/or stating why he or she disagrees with the School District's decision. The statement will be maintained as part of the student's education records as long as the

contested portion of the record is maintained. If the Consolidated School District of New Britain discloses the contested portion of the record, it will also disclose the eligible student or parent's statement.