

BRISTOL WARREN REGIONAL SCHOOL DISTRICT EDUCATION RECORDS AND CONFIDENTIALITY

The following policies and procedures, which have been established by the Bristol Warren Regional School Committee to protect the confidentiality of education records, are based upon the requirements of the Family Educational Rights and Privacy Act (34CFR, Part 99 as amended), the Individuals with Disabilities Education Act, R.I. State Law (H 5441), the Confidentiality of Health Care Information Act and the Rhode Island Regulations of the Board of Regents for Elementary and Secondary Education Governing the Special Education of Students with Disabilities. These policies and procedures pertain to the inspection, review, amendment, transfer, maintenance and destruction of education records.

A. DEFINITION OF TERMS

In its policies and procedures for student education records, the Bristol Warren Regional School District uses the following definition of terms:

1. Student

Any person who attends or has attended a school in the Bristol Warren Regional School District.

2. Eligible Student

A student or former student who has reached eighteen (18) years of age or is attending an institution of post-secondary education.

3. Parent

A parent of a student, including natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.

4. Education Records

Any information recorded in any way, including but not limited to handwriting, print, tape, film, microfilm, microfiche, and computer media, that is:

- 1) directly related to a student
- 2) maintained by the school district or by a party acting for the school district and
- 3) directory information which includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of

attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

5. Educational Records

Do not include records of instructional, supervisory and administrative personnel, as well as educational personnel ancillary to them, that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record and are not available for use for any other purpose.

Records relating to an individual who is employed by the school district that are

- 1.) made and maintained in the normal course of business,
- 2.) related exclusively to the individual in that individual's capacity as employee.

Records of staff designated as "sole possession" records are exempt from parent or student access, challenge, or control if they meet the following requirements:

- 1) must be a private note created solely by the individual possessing it.
- 2) it must be a personal memory aid.
- 3) The information contained in the note must not be accessible or revealed to any other person (including the student) except for the possessor's temporary substitute.

Examples of "sole possession" records include, but are not limited to grade books, lesson plans, test protocols, teacher observation/evaluation (not placed in student's educational file), other working notes and memoranda.

6. Disclosure

To permit access to or the release, transfer or other communication of education records, or the personally identifiable information contained in those records, to any party by any means, including oral, written or electronic means.

7. Personally Identifiable Information - information that includes, but is not limited to:

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

B. CONFIDENTIALITY/ANNUAL NOTIFICATION OF RIGHTS

Education records are maintained for each student, kept in a protected location and treated in a confidential manner. Parents and eligible students are notified annually by the Bristol Warren Regional School District of the rights accorded to them by the Family Educational Rights and Privacy Act (FERPA) as amended by the Improving America's School Act of 1994, and the USDE regulations of November, 1996. Parents of middle school, high school students and eligible students are notified annually of their FERPA rights through publication in the middle school and high school handbooks. Parents of elementary students are notified annually through publication in the K-5 Handbook/Calendar.

The annual notification of rights informs parents and eligible students that they have a right to:

1. Inspect and review the student's education records;
2. Request the amendment of the 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;
3. 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;
4. File with the United States Department of Education a complaint concerning alleged failures by the Bristol Warren Regional School District to comply with the FERPA regulations; and
5. Obtain a copy of the policies of the Bristol Warren Regional School District for student education records. Copies of these policies are located in the offices of the Superintendent of Schools and the Director of Pupil Personnel Services.

C. CUSTODIAN OF EDUCATION RECORDS

The Superintendent of Schools or his/her designee is the district-wide custodian of education records. The Office of the Superintendent is located at 235 High Street, Bristol, R. I. 02809. (Telephone number: 253-4000)

Listed below are the types and the locations of education records that are maintained by the Bristol Warren Regional School District and the school personnel whom the Superintendent designates as building-level custodian of these records:

<u>Types of Records</u>	<u>Grades</u>	<u>Location</u>	<u>Custodian</u>
Cumulative School Records (including attendance & discipline)	K-5	Elementary Schools	School Principal
“ “	6-8	Middle School	School Principal
“ “	9-12	High School	School Principal
Special Education	ages 3-21	Office of Pupil Personnel Services	Director of Pupil Personnel Services
Limited English Proficiency	K-12	Office of Curriculum	Director of Curriculum &
Chapter I & Literacy	K-12	Office of Curriculum	“ “ Grants
Health Records	K-12	Office of School Nurse at the school in which the student is currently enrolled	School Principal
Records of Students who have graduated or left the school district		High School Administration Bldg.	Director of Guidance Superintendent of Schools
Inactive Special Education		Administration Bldg.	Director of Pupil Personnel Services

D. ACCESS TO EDUCATION RECORDS

1. Parents of students and eligible students may, upon request, inspect and review the student's education records. Parents or eligible students must submit to the building-level custodian of records a written request for student records that identifies as accurately as possible the record or records for which the request for inspection and review is submitted. An authorized school district official 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 more than 10 calendar days after the receipt of such requests. The Bristol Warren Regional School District will respond to requests for explanations and interpretations of the records.
2. As required by the Rhode Island Regulations of the Board of Regents for Elementary and Secondary Education Governing the Special Education of Students with Disabilities, the Bristol Warren Regional School District shall permit parents of students receiving special education or related services to inspect and review any special education records relating to the student which are collected, maintained, or used by the district. The Bristol Warren Regional School District will comply with a parental request without unnecessary delay to inspect and review their student's special

education records and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or educational placement of the student, or the provision of free appropriate public education (FAPE) to the student, and in no case more than ten (10) calendar days after the request has been made.

This includes the right to a response to reasonable parental requests for explanations and the interpretations of the student's records; and the right to have a representative of the parent inspect and review the student's records.

3. The Bristol Warren Regional School District provides to a parent or eligible student a copy of the student's education records if failure to do so would effectively prevent the parent or eligible student the right to inspect and review such records. The Bristol Warren Regional School District reserves the right to charge a fee of up to 15 cents per page for copies of student education records, provided the fee does not effectively prevent parents from exercising their right to inspect and review those records.
4. If any education record includes information about more than one (1) student, the parents of those students shall have the right to inspect and review only the information relating to their student or to be informed of that specific information.
5. The Bristol Warren Regional School District will disclose information from a student's education records only with the written consent of the parent or eligible student or except:
 - a.) To school officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the district as an administrator, supervisor, teacher, teacher aide, administrative assistant, secretary, or clerk
 - A person elected to the school district's board of education; when board action regarding a student is required
 - A person employed by, under contract to, or whose services are purchased by the school district to perform a special task, for example, a consultant, evaluator, related service provided, or an attorney, psychiatrist, educational collaborative, etc.
- b.) To school officials who have 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.
 - Performing a task related to a student's education
 - Performing a task related to the discipline of a student

- Providing a service or benefit to the student and/or the student's family, including, but not limited to health care, parent effectiveness training, counseling, homebound instruction job placement, and financial aid
 - Providing a purchased service, i.e., counseling evaluation, therapy, consultation, etc.
 - Providing legal representation to the school district
- c.)** To officials of another school, school system or institution of post-secondary education in which the student seeks or intends to enroll. Upon request of the parent or eligible student, a copy of the record that was disclosed will be provided.
- d.)** To authorized officials of the U. S. Department of Education, the Comptroller General of the United States, and state and local educational authorities, provided the disclosure of the information pertains to state-supported or federally-supported education program.
- e.)** To accrediting organizations to carry out their accrediting functions (excluding confidential special education records).
- f.)** The disclosure of "Directory" type information consistent with public notice. Our records policy is to permit the release of this limited information.
- A parent or eligible student has the right to refuse to let the Bristol Warren Regional School District release such information
 - Within ten (10) days of the public notice, the parent or eligible student must notify the Bristol Warren Regional School District, in writing, that he or she does not want any or all of those types of information about the student released.
 - The Bristol Warren Regional School District will disclose directory information about former student in a manner consistent with FERPA.
- g.)** To comply with a judicial order or lawfully-issued subpoena, in which case the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- h.)** To appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- i.)** For 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.

- j.) To teachers and school officials within the district who the district has determined have legitimate educational interests in the behavior of the student and the information described in "h" above.
 - k.) To teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student and the information described in "h".
 - l.) To certain state and local officials pursuant to state statute that allows the disclosure in the system's ability to effectively service, prior to adjudication, the student whose records are being released.
 - m.) To state and local officials or authorities to whom this information is specifically allowed to be reported or disclosed.
 - n.) To certain governmental officials in order to carry out lawful functions.
6. Except for those parties listed in "5" above, the school district will not release education records unless it receives from the parent or eligible student a written consent for release that indicates: 1.) the records that may be disclosed, 2.) the purpose of the disclosure and 3.) the party or class of parties to whom the disclosure may be made.
 7. The building-level custodian of education records or a school official designated by the custodian will be available to assist the parent and/or eligible student in understanding the education records being inspected or reviewed.
 8. The Director of Pupil Personnel Services or his or her designee will be available to assist the parent/and or eligible student in understanding the confidential special education records being inspected or reviewed.
 9. A record of each request for access to and each disclosure of personally identifiable information from the education records of each student shall be maintained as long as the records are maintained.
 - a.) For each request or disclosure, the record includes:
 - The names of parties who have requested personally identifiable information from the student education records;
 - The names of the additional parties to which the receiving party may disclose the information on behalf of the school district; and
 - The legitimate interests the parties had in requesting or obtaining information.
 - b.) Paragraph "9" above does not apply to requests or disclosure if they were from or to the parent or eligible student, a party with written consent from the parent or eligible

student, a school official whom the district-wide custodian of records or the building level custodian of records has determined to have legitimate educational interests, or a party seeking directory information.

- c.) The record of request and/or disclosures may be inspected by the parent or eligible student.
10. Education records that are stored in computers will be available to operators who have been authorized to access these records.
11. In instances where parents are separated or divorced and one parent has been granted custody by agreement or court order, both parents have access rights to the student's education records. Such rights shall be extended to both parents until such time as evidence is provided to the contrary by state law or court order. These rights are stipulated in the Family Educational Rights and Privacy Act.
12. When the school district releases personally identifiable information from an education record to another party, such release of information is made on the condition that the party to whom the information is disclosed will not disclose the information to another party without prior consent of the parent or eligible student.
13. When surveys, inventories, questionnaires or similar data-collection measures are used by employees of the school district to obtain student-related information, the students' rights of privacy shall be protected. The use of any survey, inventory, questionnaire or similar data-collection measure must be approved by the Superintendent of Schools.

E. AMENDING EDUCATION RECORDS

A parent or eligible student has the right to request that the school district amend/change the education records if it is believed that information contained in the records is inaccurate, misleading, or in violation of the student's rights of privacy or other rights.

1. Procedures for Amending Education Records

- The parent or eligible student must submit to the building-level custodian of the records, a written request to amend/change the education records. The request should identify the part of the record he/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 or privacy or other rights.
- The school official shall decide whether to amend the record as requested within a reasonable period of time of the receipt of the request.
- If the school official decides not to amend the information in accordance with the request, it shall inform the parent or eligible child of the refusal and the right to a hearing.

2. Process for a Hearing

- If the hearing involves special education records, the process is according to the provisions of section One, IX, 7.0 of the Rhode Island Regulations of the Board of Regents for Elementary and Secondary Education Governing the Special Education of Students with Disabilities.
- For other educational records, the parent or eligible student will submit to the designated school official a written request for a hearing.
- The school district will hold the hearing within a reasonable time after receiving the written request.
- The parent or eligible student will be notified, reasonably in advance, of the date, time, and place of the hearing.
- The hearing will be conducted by an individual chosen by the district-wide custodian of the records who does not have a direct interest in the outcome of the hearing. The individual chosen may be an official of the school district. The parent or eligible student will be provided a full and fair opportunity to present evidence relevant to the issues raised in his or her request to amend the student record. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals, including an attorney.
- A written notice informing the parent or eligible student of the outcome of the hearing will be mailed by the school district to the parent or eligible student within a reasonable period of time after the hearing. The notice will include a summary of the evidence and the reason(s) for the decision.

3. **RESULT OF THE HEARING**

- If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it will amend the record accordingly and inform the parent or eligible student in writing.
- If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will not amend the record. It will inform the parent or eligible student of the right to place a statement in the record it maintains commenting on the contested information in the record or stating why he or she disagrees with the school district's decision not to amend the record. The statement will be maintained with the

contested part of the record for as long as the record is maintained. If the school district discloses the contested portion of the records to any party, it will also disclose the statement.

F. INSERTION OF A WRITTEN RECORDS COMMENT

A parent or eligible student has the right to file a written records comment if it is believed that the information contained in the educational records is inaccurate, misleading or in violation of the student's rights.

1. Procedures for inserting a written records comment:

The parent or eligible student may submit to the building-level custodian of the records a request to insert a written records comment of not more than one hundred (100) words in the format established by the Superintendent. The submission should identify the part of the records being commented upon.

2. Process for insertion:

The building-level custodian of the records shall review the submission and authorize its insertion if it is in the authorized format, not libelous, nor scandalous.

A written notice informing the parent or eligible student of the outcome of the review of the submission will be mailed to the parent or eligible student within a reasonable time.

3. Result of the insertion of a written records comment:

The written records comment will be maintained with the contested part of the record for as long as the record is maintained. If the school district discloses the contested portion of the record to any party, it will also disclose the written records comment.

G. DESTRUCTION OF RECORDS

1. The Bristol Warren Regional School District shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student:

a.) Confidential records will be maintained by the school system for five (5) years after the student has graduated or left the district, whichever comes first.

b.) Families and students will be notified in writing the April prior to graduation or the last year in school that records will be maintained for (5) years, after which they will be destroyed.

- c.) Three months prior to destruction, an advertisement will be placed in the Providence Journal, Bristol Phoenix, and Warren Times notifying the public of the intent to destroy educational records with a contact number.
2. The Bristol Warren Regional School District will continue to maintain a permanent record of a student's name, address, attendance record, classes attended, grade level completed, and year completed.
3. Parents or eligible student have the right to request that educational records be amended or destroyed:
 - a.) Parent (or student) will request in writing any amendment or request for destruction of records.
 - b.) The request must state the reason for the change in the record or reason for destruction.
 - c.) Requests should be submitted to the appropriate administrator:
 - 1.) Directory information, academic, discipline, attendance records – School Principal
 - 2.) Confidential special education records - Director of Pupil Personnel Services
 - d.) Requests for the destruction of records will be reviewed within thirty days and a decision regarding the request will be made in writing to the person making the request.
 - e.) The school system has the right to refuse requests for the destruction of educational records based on the requirements that records be maintained for five years.
 - f.) Parents or eligible students have the right to appeal any decision to the Rhode Island Department of Education.

ADOPTED: February 28, 2000

REVIEWED: March 27, 2023

CROSS-REF: JP

LEGAL REFS: Family Educational Rights and Privacy Act (FERPA) 34 CRE, Part 99
Individuals with Disabilities Education Act, RI State Law H5441 Confidentiality of Health Care Information Act R.I.G.L. 5-37.3-1 RI Regulations of the Board of Regents for Elementary and Secondary Education Governing the Special Education of Students with Disabilities (August 1992)

WRITTEN RECORDS COMMENT FORM

Re: _____
Student's Name Printed

Date

To Whom It May Concern:

I, as parent/eligible student, make the following written records comment for insertion in the educational records of the above-named student. The following written records comment is the exclusive observation of the undersigned and does not reflect the views of the school district nor its agents and servants. (Text of written records comments to be inserted, not to exceed 100 words)

The undersigned warrants that he/she is duly authorized to make this written records comment and agrees to defend, indemnify and hold the Bristol Warren Regional School Committee, its agents, servants and employees, harmless for inserting this written records comment.

Signature of Parent of Eligible Student

Student's Current School and Grade

Printed Name of Parent or Eligible Student

Student's Date of Birth

CC: Superintendent