

SALEM SCHOOL DISTRICT  
Salem, Connecticut

STUDENTS

STUDENT RECORDS/CONFIDENTIALITY

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

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

The Board also recognizes its responsibility under C.G.S. 11-8a and 11-8b to ensure the orderly retention and disposition of the district's student records.

Safeguards shall be established by the administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

For the purposes of this policy:

1. "Student Record" means any item of information directly related to an identifiable student other than directory information, which is maintained by the School District or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school district, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of review by a second party is considered a student record.

"Student record" shall not include informal notes related to a student compiled by a school officer or employee, which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record.

"Substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of notes in his or her position. Medical records are not open to public inspection.

2. The following student information is declared to be directory information:
  - a. Student's name;
  - b. Address;
  - c. Telephone number;
  - d. Date and place of birth;

- e. Participation in officially recognized activities and sports;
- f. Photograph;
- g. Grade levels;
- h. Weight and height of members of athletic teams;
- i. Dates of attendance;
- j. Recognition and awards received;
- k. Most recent public and private school attended; and
- l. Family e-mail address(es)

The Principal and/or designee will normally limit or deny the release of specific categories for directory information unless he/she determines that such release is required by law or is in the best interests of students. When appropriate, the Principal and/or designee may release directory information to the following:

- a. Federal, state and local governmental agencies;
- b. Representatives of the news media, including but not limited to newspapers, magazines, and radio and television stations;
- c. Employers or prospective employers; and
- d. Nonprofit youth organizations

No information may be released to a private profit-making entity unless specified above. The names and addresses of students enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided, in accordance with the terms of the law, to a private school or college cooperating under state law.

- 3. "Parent" means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorder to, the students, except that the District may disclose records to parents of a student eighteen years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

- 4. "School Official" means a person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the School District has contracted to perform a special task (such as an attorney, auditor, bus contractor, medical or educational consultant or therapist); or a person serving on a Board of Education committee, such as a disciplinary or grievance committee, or as a hearing officer in discipline cases, or assisting another school official in performing his or her tasks.

The Superintendent shall be responsible for ensuring that all requirements under Federal and State statutes shall be carried out by the School District and will develop procedures.

The parent or eligible student has the right to:

- 1. Inspect and review the student's education records;

2. A specification of the intent of the School District to limit the disclosure of personally identifiable information contained in a student's educational record except:
  - a. By prior written consent of the student's parent(s) or guardian(s) or the eligible student;
  - b. As directory information; or
  - c. Under certain limited circumstances, as permitted by FERPA, and The No Child Left Behind Act (NCLB).
3. Request that records be amended to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
4. File a complaint with the US Department of Education alleging failure of the District to comply with FERPA and its regulations; and
5. Obtain copies of this policy and the locations where copies may be obtained.

The District shall arrange to provide translations of this notice to non-English speaking parents in their native language.

#### Transfer of Student Records:

1. Whenever a student transfers to another Connecticut Public School District or to a Charter School, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
  - a. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
  - b. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new School District or Charter School no later than 10 days after receipt of such notification.
3. Whenever a student transfers to a School District in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
4. Permitted student records may be forwarded.
5. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardians.
6. All student records shall be updated prior to transfer.
7. Parent Notification:
  - a. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian at the same time it transfers the records.
  - b. If the transfer is a within-state transfer, the receiving school shall notify the parents of the record transfer.
  - c. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)

- d. The notification shall include a statement of the parent's or guardian's right to review, challenge and receive a copy of the student record, if desired.

Legal Reference:

Connecticut General Statutes: 1-210(b)(11) Access to public records. Exempt records.  
7-109 Destruction of documents. 10-15b Access of parent or guardians to student's records.  
10-154a Professional communications between teacher or nurse and student. 10-209 Records not to be public. 46b-56(e) Access to records of minors. 10-221b Boards of Education to establish written uniform policy re: treatment of recruiters. 10-220h Transfer of student records. 11-8a Retention, destruction and transfer of documents. 11-8b Transfer or disposal of public records. State Library Board to adopt regulations. Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.). Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. Implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96. Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983). USA Patriot Act of 2001, PL 107-56 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331. PL 107-110, "No Child Left Behind Act of 2001", Sections 4155, 5208 and 9528.

Policy Adopted: June 28, 2000

Revised Policy 1<sup>st</sup> Reading: May 7, 2007

Revised Policy Adopted: June 4, 2007

SALEM SCHOOL DISTRICT  
Salem, Connecticut

NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
ACT

Dear Parent/Guardian:

The Family Educational Rights and Privacy Act (FERPA) affords parents of enrolled students and enrolled students over 18 years of age ("eligible students") 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 45 days of the day the school officials receive a request for access to the records. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent 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 parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask school officials to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent 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 parent or eligible student when notified of the right to a hearing.

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

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school 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 school district has contracted to perform a special task (such as an attorney, auditor, bus contractor, medical or educational consultant or therapist); or a person serving on a Board of Education committee, such as a disciplinary or grievance committee, or as a hearing officer in discipline cases, 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 School District may release education records without consent to officials of another School District in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by school officials 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  
600 Independence Avenue, SW  
Washington, DC 20202-4605

#### NOTICE OF INTENT TO RELEASE DIRECTORY INFORMATION WITHOUT PRIOR CONSENT

The following types of information contained in the education record of an enrolled student are hereby designated as directory information and may be disclosed by school officials without the prior consent of a parent or eligible student except as provide below:

- Student's name;
- Address;
- Telephone number;
- Date and place of birth;
- Participation in officially recognized activities and sports;
- Photograph;
- Grade levels;
- Weight and height of members of athletic teams;
- Dates of attendance;
- Recognition and awards received;
- Most recent public and private school attended; and
- Family e-mail address(es)

Pursuant to the No Child Left Behind Act of 2001 and the National Defense Authorization Act of 2002, the school district is required to provide, upon a request made by military recruiters or an institution of higher education, access to secondary school student's names, addresses, and telephone listings. In addition, the school district is required to provide military recruiters with the same access to secondary school students and on-campus recruiting opportunities, as well as to directory information as provided for herein, as is provided generally to post-secondary educational institutions or to prospective employers of those students.

A parent or eligible student may refuse to allow school officials to designate any or all of the above listed types of information as directory information. A parent or eligible student may also request that school officials not release the student's name, address, and telephone listing to military recruiters or an institution of higher education without the prior written consent of the parent or eligible student. Any such request must be made in writing to and received by the Superintendent or his/her Designee.