

New Hartford Public Schools

Policy Subcommittee Meeting

September 2, 2025

Superintendent's Office

5:15 pm

Agenda

1. Review of BOE policies

1. Policy 1312.3 Community Relations - Library Material Review and Reconsideration Policy
2. Policy 1312.4 Community Relations - Library Collection Development and Maintenance Policy
3. Policy 1312.5 Community Relations - Library Display and Program Policy
4. Policy 5118.2 Students - Educational Opportunities for Military Children
5. Policy and Regulation 5125 - Students - Confidentiality and Access to Student Records

2. Action steps for next regular BOE meeting

3. Adjournment

**Public Act 25-168 An Act Concerning the State Budget for the Biennium
Ending June 30, 2027, and Making Appropriations Therefore, and Provisions
Related to Revenue and Other Items Implementing the State Budget**

(Background Information for Policy Review Committee)

Public Act No. 25-168, An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefore, and Provisions Related to Revenue and Other Items Implementing the State Budget, establishes new standards regarding three key areas related to school libraries: (1) library collection development and maintenance; (2) library displays and programs, and (3) library material review and reconsideration.

The Act mandates that all school boards adopt a **Library Collection Development and Maintenance Policy** that will serve as the standard against which library material complaints are evaluated. This policy directs superintendents to create an administrative regulation that establishes a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center. The Act also requires that the standards set in the regulation must include, but are not limited to: the material's relevance, physical condition of the material, demand for the material, availability of copies, and more recent age or grade-appropriate material.

CABE's policy department has created a Library Collection Development and Maintenance policy (P6161.13/1312.4) in accordance with the Act, along with an accompanying regulation that lays out specific standards for school library media specialists to evaluate material against when determining its suitability.

Additionally, the Act mandates boards of education to adopt a **Library Display and Program Policy**. This policy recognizes the purposes and importance of library displays and acknowledges the professional training of school library media specialists who curate and develop such displays and programs. Accordingly, CABE's policy department has developed a Library Display and Program Policy (P6161.14/1312.5).

Furthermore, the Act requires boards of education to adopt a **Library Material Review and Reconsideration Policy**. This policy lays out a procedure for handling complaints against instructional material used in the classroom or available in the school library/media center.

The Public Act specifically requires that after a reconsideration form is filed by a complainant, the principal of the school in which the material is challenged promptly forwards the request for reconsideration to the district's superintendent. The superintendent then appoints a review committee that includes:

1. The superintendent, or the superintendent's designee;
2. Principal of the school in which the material is being challenged, or the principal's designee;
3. The director of curriculum;
4. A representative from the local board of education;
5. At least one grade-level appropriate teacher familiar with the material;
6. A parent or guardian of a student age 13 years or younger enrolled in the school district;

7. A parent or guardian of a student age 14 years or older enrolled in the school district;
8. A certified school librarian employed by a board of education.

Public Act 25-168 An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefore, and Provisions Related to Revenue and Other Items Implementing the State Budget

(Background Information for Policy Review Committee) (continued)

This review committee is called to evaluate the reconsideration request by reading the challenged material in its entirety and evaluating it against the school district's Library Collection Development and Maintenance Policy. The Act establishes that material can only be removed for legitimate pedagogical purposes or for professionally accepted standards as adopted in the Library Collection Development and Maintenance Policy or the Library Display and Program Policy. Furthermore, the review committee is prohibited from removing any material on the sole basis that an individual finds such material offensive, or because of the origin, background, or viewpoints expressed in the material or by the creator of the material.

The Act requires that *within sixty school days*, the review committee must provide the complainant and the principal of the school in which the material is being challenged with a copy of the review committee's written decision. An appeal can be made against the decision of the review committee to the local board of education, at which point the board of education is tasked to determine whether the reconsideration process was followed and to publish the appeal decision on the website of the school district.

CABE's policy department has therefore created Library Material Review and Reconsideration Policy (P6161.12/1312.3), detailing the library material review process. Our policy also has accompanying forms that can be used for reconsideration and appeal requests.

Previously, guidance for library material review and reconsideration was included in our Public Complaints Policy (P1312). Now, since we created a new policy specific to Library Material Review and Reconsideration (P6161.12/1312.3), our Public Complaints Policy has been updated to be an overview of the general complaint procedure and no longer details the library material review process.

In summary, CABE's policy department has developed three new mandated model policies (P6161.12/1312.3, P6161.13/1312.4, P6161.14/1312.5), accompanied by an administrative regulation and sample forms, that boards of education can adopt or use as a model in developing their own policies.



A mandated policy.

Community Relations/Instruction

Library Material Review and Reconsideration Policy

Statement of Policy:

The _____ Board of Education understands that, on occasion, a member of the public will wish to lodge a complaint against instructional material used in the classroom or available in the school library/media center. Consideration of requests to reconsider and remove material, displays, or student programs is limited to individuals with a vested interest. An individual with vested interest may challenge any library and other educational materials, display or student program by initiating a review of such material via the submission of a request for reconsideration form.

It shall be the policy of the _____ Board of Education that the removal, exclusion or censoring of any book shall not occur on the sole basis that a person with a vested interest finds such book offensive. No library and other educational material, display, or program shall be removed from library media centers, or programs be canceled, because of the origin, background, or viewpoints expressed in such material, display, or program, or because of the origin, background, or viewpoints of the creator of such material, display, or program. Library and other educational materials, displays, and student programs shall only be excluded for legitimate pedagogical purposes or for professionally accepted standards of collection maintenance practices as adopted in the collection development and maintenance policy or the display and program policy.

Until a final decision is made by the review committee, any library and other educational material being challenged shall remain available in the school library media center according to such material's catalog record and be available for a student to reserve, check out, or access.

A school district may consolidate any requests for review and reconsideration of the same challenged library and other educational material. Once a decision has been made by **the review committee** on any library and other educational material, such material cannot be subject to a new request for review and reconsideration for a period of three years.

The _____ Board of Education will review and update this policy as necessary every five years.

Definitions

"Library and other educational material" means any material belonging to, on loan to or otherwise in the custody of a school library media center, including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and other material not required as part of classroom instruction.

Community Relations/Instruction

Library Material Review and Reconsideration Policy

Definitions (continued)

"School library staff member" means a school library media specialist, school librarian, any certified or non-certificated staff member whose assignment is in the school library or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

"Individual with a vested interest" means any school staff member employed by a local or regional board of education, parent or guardian of a student currently enrolled in a school at the time a reconsideration form is filed, or any student currently enrolled in a school at the time a reconsideration form is filed.

"Remove" means deliberately taking library material out of a library's collection. **"Remove"** does not include the process of clearing such collection of any materials that are no longer useful.

Material Review and Reconsideration Procedure

The Board of Education has established the following procedure for addressing complaints regarding the utilization of library and other educational materials:

1. Individuals with a vested interest may initiate the review or reconsideration of any library and other educational materials, display, or student program by submitting a request for recommendation form to the principal of the school in which the library and other education materials are being challenged.
2. The Principal, or the Principal's designee, shall promptly forward the request for reconsideration to the Superintendent of Schools for the school district.
3. The Superintendent, or the Superintendent's designee, shall appoint a review committee consisting of:
 - a. The Superintendent, or the Superintendent's designee;
 - b. the Principal of the school in which the library and other educational material is being challenged, or the Principal's designee;
 - c. the Director of curriculum, or a person in an equivalent position;
 - d. a representative from the local or regional board of education;
 - e. at least one grade-level-appropriate teacher familiar with the library material provided, the teacher selected is not the individual who submitted the form;
 - f. a parent or guardian of a student *age thirteen years or younger* enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form;
 - g. a parent or guardian of a student *aged fourteen years or older* enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form;
 - h. a certified school librarian employed by such board or employed by another board of education in the state.

Community Relations/Instruction

Library Material Review and Reconsideration Policy

Material Review and Reconsideration Procedure (continued)

In cases where such form is submitted by a student enrolled in *grades nine to twelve*, inclusive, and when appropriate and at the discretion of the superintendent, a student enrolled in grades nine to twelve, inclusive, may serve on the review committee if such student did not submit the reconsideration form, provided the superintendent consults with the principal of the school involved in such reconsideration request prior to making this determination whether to include such student on the review committee.

4. The **review committee** shall evaluate the request for reconsideration form by reading the challenged material in its entirety and evaluating the challenged material against the school district's *Collection Development and Maintenance Policy*.
5. The **review committee** shall make a *written decision* on whether to remove the challenged material *within sixty school days* from the date of receiving such request and provide a copy of the committee's decision and report to *the individual with a vested interest who submitted the form and to the principal of the school*.
6. The individual with a vested interest who submitted the *request for reconsideration form* may appeal to the *review committee's decision* to the local or regional board of education for the school district. The Board shall determine whether the reconsideration process was followed and publish the decision on the school district's website.

General Provisions

Any school library media specialist or school library staff member who, in good faith, implements the policies described in this section shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding that results from such implementation.

Policy adopted:

cps 6/25

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

(Name of District)

Request for Reconsideration of Library Books/Materials

Title _____

Author _____ Publisher _____

This request was initiated by

☐ Parent/Guardian

☐ Student

☐ Other (please specify) _____

The material is best described as a:

☐ Book

☐ Video or Online Content

☐ Periodical/Magazine

☐ Other Media. Please specify _____

Please answer the following questions:

1. Did you read, view, or listen to the entire work? If not, what parts did you examine?

2. In what specific ways do you think this work is inappropriate for students?

3. What have you been told about the educational purpose of this material?

4. What do you believe is the theme or purpose of this material?

5. For what age group would you recommend this material?

6. Are you aware of the judgment of this work by literary critics and/or professional educators/organizations?

7. What are the valuable aspects of this material?

8. What do you feel may be the results of students reading, listening to, or viewing this material?

9. What work/material of equal or superior value would you recommend replacing the one in question?

10. Please explain your reasons for your objection:

Signature of Complainant

Date

PUBLIC SCHOOLS

CONNECTICUT

Request for Appeal of Reconsideration of Library and Other Educational Materials Decision

Full Legal Name: _____

Title of Material: _____

Address: _____

Telephone Number: _____

Author: _____

Publisher: _____

Date the Reconsideration Decision was communicated to you: _____

Please explain why you are appealing against this decision:

How do you believe the review committee failed to follow the reconsideration process?

Are you submitting any documentation with this appeal? If so, please list/describe supporting documents:

The _____ Board of Education shall determine whether the reconsideration process was followed and will publish the decision on the internet web site of the school district.

**1312.3
6161.12
Complainant
Letter**

PUBLIC SCHOOLS

CONNECTICUT

Sample Letter to Complainant

Date: _____

Complainant Name
Address Line 1
Address Line 2

Dear [Complainant's Name],

Thank you for bringing your concerns regarding one of our school's library materials to our attention. In accordance with Connecticut state law, our school has a procedure in place to adjudicate concerns and reconsideration requests.

To facilitate this review, we kindly request that you submit a *Request for Reconsideration of Library Books and Materials* form to clearly identify the specific content you find objectionable and describe the nature of your concerns. Once your submission is received, it will be forwarded to the District Library Review Committee for formal consideration. The Committee's review process includes thoroughly reviewing the material, assessing its educational value, and addressing all concerns raised.

If you have any questions or require assistance with this process, please do not hesitate to contact me at [phone number or email address].

Thank you for engaging with us to support a thoughtful and responsible approach to creating libraries that meet the needs of all students.

Sincerely,

[Your Name]
[Your "Vested Interest" Identity]

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Additionally, the Act mandates boards of education to adopt a **Library Display and Program Policy**. This policy recognizes the purposes and importance of library displays and acknowledges the professional training of school library media specialists who curate and develop such displays and programs. Accordingly, CABE's policy department has developed a Library Display and Program Policy (P6161.14/1312.5).

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1. The superintendent, or the superintendent's designee;
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A mandated policy.

Community Relations/Instruction

Library Collection Development and Maintenance Policy

The _____ Board of Education recognizes that library and other education materials should be provided for the interest, information and enlightenment of all students, and represent a wide range of varied and diverging viewpoints in the collection as a whole.

Students shall have access to the library and other educational material that is relevant to the research, independent reading interests, and educational needs of students based on a student's age, development, or grade level.

The library media center is an important place for voluntary inquiry, the dissemination of information and ideas, and the promotion of free expression and free access to ideas by students.

A school library media specialist is professionally trained to curate and develop a collection that shall provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational material.

The _____ Board of Education directs the Superintendent to create an administrative regulation that establishes a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center using professionally accepted standards which shall include, but need not be limited to: the material's relevance, physical condition of the material, availability of duplicates or copies of the material, availability of more recent age-appropriate or grade-level appropriate material and continued demand for the material.

A sample regulation.

Community Relations/Instruction

Library Collection Development and Maintenance

Purpose:

This regulation establishes a procedure for certified school library media specialists to continually review library and other educational materials within a school library media center to ensure that they are relevant, in good condition, and age- or grade-level-appropriate.

General Procedure:

Using the criteria identified below and their professional judgment, the school library media specialist shall conduct a systematic review of the library's collection:

1. Material relevance

- a. Consult with instructional staff to determine whether the material is still useful and has up-to-date information.
- b. Evaluate usage data to assess the material's relevance to student interests and research needs.

2. Physical condition of the material

- a. Assess whether the material is damaged or worn beyond reasonable use.

3. Availability of duplicates or copies of the material

- a. Determine whether the availability of duplicates or multiple copies is justified based on usage statistics to avoid redundancy.

4. Availability of more recent age-appropriate or grade-level appropriate material

- a. Investigate the availability of newer editions or versions that offer more current and accurate information by considering awards and recommended lists for recently recognized literature.
- b. Ensure that any new material uses language that is appropriate for the reading level of students in the targeted grade range and developmental levels.
- c. Evaluate whether the new material's treatment of difficult or sensitive subjects (e.g., death, mental health, violence, sexuality) is in a developmentally appropriate way for the intended student audience.

5. Continued demand for the material

- a. Consult with instructional staff to determine whether the material continues to be cited or referred to for classroom instruction.
- b. Review usage data to determine whether the material is still being sought by students or teachers.

Regulation approved:

cps 6/25

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This form is designed to provide guidance and should be revised by librarians to support their efforts.

PUBLIC SCHOOLS

CONNECTICUT

Library and Other Educational Material Assessment Form

Title of the material: _____ **Date of Assessment:** _____
Author: _____ **Assessor:** _____
Date of Publication: _____

Material relevance:

- ☐ Consulted with knowledgeable staff member(s) or teacher(s)
☐ The language is appropriate for the reading level of students in the targeted grade range
☐ Material is up-to-date and accurate

Notes:

Physical condition of the material:

Condition rating:

- ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Availability of duplicates or copies of the material:

Count of available copies: _____

Notes:

Availability of more recent age-appropriate or grade-level appropriate material:

If new material is available:

- ☐ It uses language appropriate for the reading level of students in the targeted grade range
☐ Presents difficult subjects (death, mental health, violence, sexuality etc.) in a developmentally appropriate way

Notes:

Continued demand for the material:

Describe the frequency with which the material is being accessed:

Determination:

☐ Retain ☐ Replace ☐ Remove

Explanation of decision and rationale

The school library media specialist shall complete the Library and Education Material Assessment Form when determining the removal or retention of a material. Assessment forms shall be maintained in the library center and made available upon request by individuals with vested interest.

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P1312.5
6161.14

A mandated policy.

Community Relations/Instruction

Library Display and Program Policy

Library displays and student programs are critical in serving as resources for voluntary inquiry, the dissemination of information and ideas, and promoting free expression and free access to ideas by students.

The _____ Board of Education recognizes that library displays are provided for the interest, information and enlightenment of all students, represent a wide range of varied and diverging viewpoints, and provide access to content that is relevant to the research, independent interests and educational needs of students.

The _____ Board of Education acknowledges that a school library media specialist is professionally trained to curate and develop displays and programs that shall provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational materials.

EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN
(BACKGROUND INFORMATION FOR POLICY COMMITTEE)

UPDATE MAILING NO. 1

NOVEMBER 15, 2011

Connecticut, through legislation passed in 2008 by the General Assembly (P.A. 08-57) joined the Interstate Compact on Educational Opportunity for Military Children. This legislation provides a mechanism and standards for schools to facilitate placement, enrollment, graduation, and data collection for students in grades kindergarten through grade 12 who move to other states because their parents are on active duty in the U.S. Armed Services. The Interstate Compact is intended to facilitate a more uniform approach between states on specific local and state issues. This particular Compact focuses on military children transferring between school districts and states and recognizes that no matter how supportive states are of military children, they can only control what happens within their borders. By joining together with other states in the Compact, each state can help ensure that children have the educational opportunities they deserve, even after they move to another state. Below is a summary of the Interstate Compact regarding its impact on school districts.

This legislation (1) enacts and commits Connecticut to the terms of the Interstate Compact on Educational Opportunity for Military Children and (2) creates an Interstate Commission on Educational Opportunity for Military Children to administer and enforce the Compact. It also expands the National Guard tuition waiver program at UCONN and in the Connecticut State University (CSU) system to include graduate programs.

The Compact provides a legal mechanism and creates uniform standards for schools and local education agencies to use to facilitate placement, enrollment, graduation, data collection, and other decisions involving children in kindergarten through grade 12 when they move to other states because their parents are deployed on active duty in the U.S. Armed Services. The Compact's stated purpose is to remove barriers to educational success imposed on such children because of their parents' frequent moves and deployment.

The Compact applies to children of (1) active-duty armed forces members, including National Guard members and reservists on active duty under Title X of federal law; (2) veterans severely injured and medically discharged or retired, for one year after discharge or retirement; and (3) service members who die on active duty or from active duty injuries, for one year after death.

The Compact's stated purpose is to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment. It aims to:

1. facilitate their timely enrollment and ensure that they are not placed at a disadvantage because of (a) variations in entrance or age requirements or (b) the difficulty in transferring education records from the previous school districts;
2. facilitate their placement so that they are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;
3. facilitate their qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
4. facilitate on-time graduation;
5. provide for promulgation and enforcement of administrative implementing rules;

EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN
(continued)

UPDATE MAILING NO. 1

NOVEMBER 15, 2011

6. provide for uniform collection and sharing of information among member states, schools, and military families;
7. promote coordination with other compacts affecting military children; and
8. promote flexibility and cooperation between the educational systems, parents, and students to achieve educational success for the students.

The Compact applies to children in kindergarten through 12th grade of:

1. active-duty members of the uniformed services (U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and Public Health Services), including guard members and reservists on active duty under Title 10 of federal law;
2. members or veterans of the uniformed services severely injured and medically discharged or retired, for one year after such discharge or retirement; and
3. members of the uniformed services who die on active duty or from active-duty injuries, for one year after death.

The Compact specifically excludes from its coverage children of (1) inactive guard members and reservists, (2) veterans and retired members of the uniformed services not included above, and (3) other U.S. Department of Defense (DOD) personnel and other federal agency civilian and contract employees not defined as active-duty members of the uniformed services.

Policy Implications

Policy, #5118.2, "Educational Opportunities for Military Children," pertains to this topic. It follows for your consideration. Revisions to the original policy have been made to help clarify issues pertaining to student attendance. This is considered an optional policy for inclusion in the district's policy manual.



A mandated policy for your consideration.

Educational Opportunities for Military Children

To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the ***Interstate Compact on Educational Opportunity for Military Children***. The Board of Education believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment.

Definitions

Children of military families means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve.

Deployment means the period one month before the service members depart from their home station on military orders, six months after return to their home station.

Education(al) records means official records, files, and data directly related to a student and maintained by the school, including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements applicable to eligible students, which must be fulfilled, are listed below. Eligible students are those who are children of active-duty personnel, active-duty personnel or veterans who have been severely injured and medically discharged, and active-duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the ***Compact*** if they are children of inactive Guard or Reserves, retired personnel, veterans not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students, and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records, and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).

Students

Educational Opportunities for Military Children (continued)

- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces
- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students of active-duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.

Alternate language for above:

- A one-day absence is provided for students when their parent/guardian is deployed into active military service.
- A one-day absence is provided for students when their parent/guardian returns from active military service or deployment.
- A student whose parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to; a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or his/her designee.
- Absences related to a student visiting with his/her parent, related to leave or deployment activities, may be excused by the District. The district will permit no more than ____ excused absences per year for this purpose. (*Note: The local district may specify in its policy how many excused absences are permitted.*)

Students

Educational Opportunities for Military Children

Alternate language for above: (continued)

- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent without any tuition fee imposed.
- The District high school will accept exit, or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state). If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

(cf. 5111 – Admission)
(cf. 5113 – Attendance and Excuses)
(cf. 5123 – Promotion/Retention)
(cf. 5125 – Student Records; Confidentiality)
(cf. 5141.3 – Health Assessments and Immunizations)
(cf. 6146 – Graduation Requirements)
(cf. 6171 – Special Education)

Legal Reference: Connecticut General Statutes

10-15f Interstate Compact on Educational Opportunity for Military Children

Public Act 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of the Armed Forces in Connecticut. (Section 7)

Policy adopted:

rev 11/11

rev 7/25

Students

Confidentiality and Access to Student Records

I. Policy

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

II. Definitions

A. Access is defined as the right to inspect or review a student's education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.

B. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.

C. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

D. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, and the most recent previous school(s) attended.

Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

E. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.

F. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.

G. Education Records

1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.

2. Education records does not include:

a) private, personal, or working notes in the sole possession of the maker thereof; and which are not accessible or revealed to any other individual except a "substitute";

b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;

d) records of a student that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;

e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

f) grades on peer-graded papers before they are collected and recorded by a teacher.

H. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

I. Parent is defined as a parent or parents of a student including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who

claims that student as a dependent under Section 152 of the Internal Revenue Code of 1954 is entitled to access to the student's education records without the eligible student's consent.

J. Personally Identifiable Information 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 his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

K. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a task (such as an attorney, auditor, consultant, or therapist), or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

L. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

III. Annual Notification of Rights/Release of Directory Information

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

B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as directory information (see Form 1). This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

IV. Confidentiality of Education Records

A. All school staff are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and consistent with state and federal law.

B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent of a student violates the law and Board policy, except as provided in federal and state statutes.

C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.

E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

V. Access to Education Records

A. Parents of a student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. All requests for access to education records must be in writing.

B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent of the date, time, and location where the records may be inspected and reviewed.

C. The parents may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.

D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.

E. For the records of regular education students, the School District will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request. (see Form 2)

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

G. All parents of students have the right to receive annually one free copy of their child's (his/her) education records. The request for the free copy must be in writing and the Board shall comply with the written request within five (5) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20

USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the School District shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's educational records only if they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties may only be made in accordance with the exemptions and provisions set forth in Section VII, below.

I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.

J. Non-custodial Parents:

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

K. Copies of Education Records/Fees:

1) The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive one free copy of those records. The request for the free copy shall be made in writing. The Board of Education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed [50] per page.

2) In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

- a. provide the parent or eligible student with a copy of the records requested, or
- b. make other arrangements for the parent or eligible student to inspect and review the requested records.

VI. Record Keeping Requirements/Documentation of Access To Education Records

A. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

- 1) the name of any individual, agency, or organization that requested or obtained access to the student's records;
- 2) the date of the request for access;
- 3) whether access was given;
- 4) the purpose for which the party was granted access to the records;
- 5) the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
- 6) the legitimate educational interest in obtaining the information.

B. The record (log) requirement does not apply to requests from, or disclosure to:

- 1) a parent or eligible student;
- 2) a party seeking directory information;
- 3) a party who has a signed and dated written consent from the parent and/or eligible student;
- 4) school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the students record; or
- 5) persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

C. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

D. If the district makes a release of education records without consent in a health and safety emergency, the district must record:

- 1) the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
- 2) the parties to whom the district disclosed the information.

VII. The Release of Records or Personally Identifiable Information

A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. Parents will always be notified before any records are released. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

2. The disclosure is to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party (a) performs an institutional service or function for which the district would otherwise use employees, (b) is under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

3. The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X. (see Form 4)

4. The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or State and local educational authorities, under the following conditions: the school shall provide such authorized representatives access to student or other records that may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but shall not permit such representatives to collect personally identifiable information unless specifically authorized to do so by state and federal law or if the parent or eligible student has given written consent for the disclosure.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, pursuant to court order, (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's individualized education program (IEP) and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation. (see Form 3)

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as (a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization, (b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and (c) the district enters into a written agreement with the organization conducting the study that ensures that the study protects the confidentiality of personally identifiable student information consistent with FERPA requirements.

8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.

10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.

12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination

regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Section VI. D, above.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.

16. The disclosure is to an entity or individual designated by a state or local educational authority or an agency headed by an official listed in 99.31(a)(3) to conduct with respect to Federal or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

D. Directory Information

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

2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

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

4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled.

5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

E. De-identified Records and Information

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;

b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and

c) the record code is not based on a student's social security number or other personal information.

F. Disciplinary Records:

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

H. Records of the Department of Children and Families ("DCF")

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

request to disclose confidential DCF records to an outside third party, the School District shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

VIII. Redisclosure of Education Records

A. The school district may disclose personally identifiable information from an education record only on the conditions that:

1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and
2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.

B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
2. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).
3. Disclosure is made to a parent, and eligible student, or the parent of an eligible student.
4. The information is considered directory information.

C. In the event that the district determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

IX. Amendment of Education Records

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:

1. Request in writing that the school district amend the records;
2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the school district decides that an amendment of the records, in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

X. Hearing Rights and Procedures

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable timeframe after the school system has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.

3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.

5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

XII. Special Confidentiality Procedures for HIV-Related Information

A. The following definitions shall apply to Section XII of this policy:

1. Confidential HIV-Related Information

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

2. Health Care Provider

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

3. Protected Individual

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

4. Release of confidential HIV-related information

"Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a

general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.

2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:

- a. the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
- b. any person who secures a release of confidential HIV-related information;
- c. a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
- d. a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
- e. a medical examiner to assist in determining cause of death; or
- f. any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a

release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian shall keep such information confidential and shall not disclose such information.

4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.

5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.

6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.

3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

XIII. Child Abuse Reporting

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy #[5141.4](#).

XIV. Right To File A Complaint

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, DC 20202-4605

Legal Reference: Connecticut General Statutes

[1](#) [19\(b\)\(11\)](#) Access to public records. Exempt records.

[7](#) 109 Destruction of documents.

[10](#) 15b Access of parent or guardians to student's records.

[10](#) 154a Professional communications between teacher or nurse & student.

[10](#) 209 Records not to be public.

[10](#) 221b Boards of education to establish written uniform policy re: treatment of recruiters.

[11](#)-8a Retention, destruction and transfer of documents

[11](#)-8b Transfer or disposal of public records. State Library Board to adopt regulations.

[17a](#)-28 Definitions. Confidentiality of and access to records; exceptions. Procedures for aggrieved persons. Regulations.

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

[19a](#)-581 et. seq. AIDS Testing and Medical Information

Regulations of Connecticut State Agencies 10-76d-18

[46b](#) 56 (e) Access to Records of Minors.

Office of the Public Records Administrator, Retention Schedule M8
Education Records (Revised 2/2005)

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

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

USA Patriot Act of 2001, PL 107-56, 115 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 5208 and 9528

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

Policy adopted: November 17, 2009

Policy revised: February 5, 2013

5125

Students

Student Records: Confidentiality

Definitions

A. Student Records

1. Any records, files, documents, and materials in hard copy or electronic format which contain information directly related to a student and which are maintained in writing, or on film, by the school system or persons acting for the school system.

B. Student Records Do Not Include

1. Records of instructional, supervisory, administrative personnel and educational personnel ancillary thereto which:

- a. Are in the sole possession of the maker thereof, and
- b. Are not accessible or revealed to any other individual except a substitute.

2. Records relating to an employee of the Board of Education which:

- a. Are made and maintained in the normal course of business;
- b. Relate exclusively to the individual in that individual's capacity as an employee, and

- c. Are not available for use for any other purpose.
3. Records created or maintained by a professional or paraprofessional in the medical or psychological fields which:
- a. Are used only in connection with treatment of the student, and
 - b. Are not disclosed to anyone except the treatment-provider, except that a physician of the student's choice may review the records at the student's request. "Treatment" does not include the provision of remedial educational or other instructional programs.

C. Student

An individual who is or has been in attendance at a school under the control of the Board of Education. It also includes those situations in which students "attend" classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.

D. Parent

Either parent, a guardian, or an individual acting as a parent or a student in the absence of a parent or guardian. If parents are divorced or legally separated the parent granted custody and the parent not granted custody of a minor child both have the right of access to the academic, medical, hospital, or other health records of the child, unless a court order prohibits access.

E. Eligible Person

A parent of a student.

F. Disclosure

Permitting access to or the release, transfer, or other communication of student records or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party. It is also permitted to return an educational record to the provider or creator of the record, including the return of a questionable document to the purported sender for verification of information in the document.

G. Directory Information

Includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, athletic team members, dates of attendance, honors and awards received, the most recent previous school attended by the student, and other similar information.

A student's social security number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

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

H. Personally Identifiable

The data or information includes the following:

1. The name of a student, the student's parent, or other family member, or
2. The address of the student, or
3. A list of personal characteristics which would make the student's identity easily traceable, or
4. Other information which would make the student's identity easily traceable.

I. Confidentiality

The following procedures shall apply regarding student records:

1. The Board of Education shall maintain records concerning children requiring special education and related services and shall provide for the filing, protection, confidentiality, classification, review and, when appropriate, destruction of such records.
2. Parents/guardians have the right to inspect and review all educational records of their child. A request to inspect and review records shall be in writing.
3. The school district makes records available for inspection and review by parents/guardians in no more than 5 days. If information is needed to plan for a hearing or a Planning and Placement Team (PPT) meeting, records are made available within 3 days.
4. The Director of Student Services is the person responsible for the care and upkeep of all student files.
5. Educational records are kept by categories which determine the type of data collected during a student's educational career. These categories will also determine the school district's timelines for destruction.
6. The school district designates one official, the Director of Student Services, to be responsible for ensuring the confidentiality of records within the school district.
7. The school district provides parents/guardians, on request, a list of the types and locations of educational records collected, maintained, or used by the agency.
8. The custodian of records will ensure that records are kept as follows:

Category A

Type Data**Location**

Name, Address, Date of Birth

Cumulative File, Health File

Name of Parents/Guardians, Address,
Telephone Number

Cumulative File, Health File

Academic work and level of
achievement (grades and transcripts)
Attendance dateCumulative File, Health File
School District Administration
School Building
Special Education Office**Category B****Type Data****Location**

Standardized Test Scores

Cumulative File

Speech/Language & Hearing
Evaluation

Cumulative File

Individual, Diagnostic Reading and
Math test resultsCumulative File
School Building**Category C****Type Data****Location**

Health Records

Health File

Reports of Serious, Recurrent Behavior
PatternsCumulative File and Special Education
File (if applicable)

PPT Findings

Special Education File

Psychological Reports

Special Education File
Cumulative File, Special Education File
(if applicable)
Central Special Education Office
School Building Office**Access**

Parents/guardians have the right of access to their children's educational records and are afforded the rights of privacy. Third parties may access the record if they have the written permission of the parents/guardians. Non-custodial parents are afforded access to records unless there is a court order to the contrary. The Custodian of Records (or designee) will accept any written request for access by persons with the right of access.

In order to gain access, the request must be written or the person can complete a request form. The request form is available in each school building, the special education office, and the administrative offices.

Generally, the school district will afford immediate access unless an appropriate school district staff member is not available for assistance. In cases where immediate access is needed and appropriate staff members are unavailable for assistance, the school district may not be able to respond immediately.

During regular school hours, school district staff will be available to offer an explanation of the records and information concerning parental/guardian rights. All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under Reg. 300-129, Subpart B, and the Family Educational Rights and Privacy Act. Each participating agency shall maintain for public inspection a current list of the names and positions of those employees within the agency who may have access to personally identifiable information. The school building administrator who follows through on the requests for access will assign a staff member such as a psychologist, counselor, social worker, teacher, etc., to assist with interpretation of the records. When the request is received, the school building administrator will make arrangements for a mutually convenient appointment. A private space will be provided to the parent/guardian.

Parents/guardians have the right to acquire one free copy of their child's records. This request whether verbal or written is honored within 5 days, 3 days if needed for due process or an Individual Education Plan (IEP) meeting. The school district may charge for additional copies.

The school building administrator who receives the written request for a free copy of the records will assign a clerical staff member to make the copies. The school district may charge a nominal fee of up to \$.50 per page for additional copies. This fee is applicable so long as the fee does not prevent the parents/guardians from exercising their right to inspect and review the records. The school district will not charge a fee to search for or to retrieve information. The school district maintains a record of parties that have access to education records, including information found in computer memory banks.

The school district maintains a record of staff who have access to educational records, including information in computer memory banks. These records are located in each office where special education files are found.

The record of access form includes the name of the party having access, the date access was given, and the purpose for which the party is authorized to use the records.

Certified staff who have a legitimate access to student files for implementation or consultation pertaining to the student's IEP shall have access to the educational record. These staff may be school district administrators, teachers, school psychologists, counselors, etc., who are not required to place their name on the record access form at each entry. Access may occur outside of school hours if necessary; for example, when needed to plan for a PPT meeting. The school district will maintain a current listing of the names and positions of those employees who may have access to personally identifiable information.

If the school district maintains education records which include the names of more than one child, the parents of that child have the right to inspect and review only information relating to their child or to be informed of that specific information.

Changes to the Educational Record

Procedures regarding parental/guardian requests for amendments to school records are as follows:

1. Parents/guardians have the right to request either verbally or written an amendment to educational records if information is thought to be inaccurate, misleading, or in violation of their privacy.
2. The school district acts upon the request for an amendment within a reasonable period of time, preferably within 2 weeks.
3. If the school district refuses to amend the record, parents/guardians are informed in writing of the refusal and advised of their right to a hearing.
4. The school district provides parents/guardians with a hearing to challenge information in the educational records.
5. A hearing is usually scheduled within 14 days of the request. At the hearing, the parents/guardians may present evidence and may question any individual who is responsible for the material contained within the record.
 - a. The hearing required to be held under this section shall be conducted according to specific procedures. The hearing shall be held within 30 school days after the agency has received the request, unless the parents/guardians require a delay.
 - b. The parents/guardians shall be given notice of the date, place, and time no less than 1 school week prior to the hearing.
6. The hearing party(ies) shall:
 - a. Be knowledgeable of the policies relating to confidentiality.
 - b. Not have a direct interest in the outcome of the hearing.
 - c. Be appointed by the Superintendent of Schools, subject to the consent of the parent/guardian.
7. It shall be the responsibility of the school district to prove the accuracy and/or appropriateness of the data under question.
8. The parents/guardians and the school district shall have the right to be represented by a person of their choosing, to cross-examine witnesses, to present evidence, to receive a tape or the minutes of the proceedings, and to receive a written decision within 10 days of the hearing.

9. The decision reached through the hearing shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

10. In the event that a parent/guardian is aggrieved by a decision of the hearing board, the parent/guardian shall be informed of his/her rights to appeal the decision by filing a petition in the Court of Common Pleas under Section [4-183](#) of the General Statutes.

If as a result of the hearing, the information in the record is found to be inaccurate, misleading, or in violation of privacy, the school district will amend the information and inform the parent/guardian in writing.

If the hearing finds the information in the record to be accurate, parents/guardians are informed of their right to include in the student's record statements commenting on the information or giving reason for disagreeing with the school district's decision.

The school district maintains parents'/guardians' statements as long as the student's record is maintained.

The school district discloses the parents'/guardians' statements whenever the records of the student are being disclosed.

The school district obtains written parental/guardian consent whenever personally identifiable information is disclosed to anyone other than officials of the school district unless such disclosure is permitted by the Family Education Rights and Privacy Act.

Discarding of Student Records

The Director of Student Services or the Principal of Ann Antolini School shall periodically review all data contained in the student records, remove and discard inappropriate or useless data, unless written request to maintain is made by parent. However, information shall not be removed from the record after a parent inspects, reviews or reproduces the information.

Legal Reference: Connecticut General Statutes

[1](#) [19\(b\)\(11\)](#) Access to public records. Exempt records.

[7](#) 109 Destruction of documents.

[10](#) 15b Access of parent or guardians to student's records.

[10](#) 154a Professional communications between teacher or nurse & student.

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46b 56 (e) Access to Records of Minors.

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

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PL 107-110 "No Child Left Behind Act of 2001" Sections 5208 and 9528

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