



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5125.00 - Privacy Rights of Parents and Students

Approved on August 15, 1994

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

Legal References/Citations

Family Educational Rights and Privacy Act (FERPA) 1974

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



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Administrative Procedure

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I. Definitions

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

- A. Disclosure: To permit access to or the release, transfer or other communication of educational records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written or electronic means.
- B. Educational Records: Any information recorded in any way (e.g. handwriting, print, tape, film, microfilm and microfiche) that is 1) directly related to a student and 2) maintained by the School District or by a party acting for the School District, except:
 - a. Personal records that are kept in the sole possession of the school staff member who made them and that are not accessible to or revealed to any other person except the staff member's temporary substitute;
 - b. Employment records that are used only in relation to the student's employment by the Consolidated School District of New Britain; and
 - c. Alumni records that contain information about a student after he or she is no longer in attendance at the Consolidated School District of New Britain; these records do not relate to the person as a student.
- C. Eligible Student: A student or former student who has reached 18 years of age or is attending an institution of post- secondary education or is an emancipated minor.
- D. Extra Confidential Records: Education records to which access by school officials and by other parties identified in Section 99.31 of the Family Education Rights and Privacy Act (FERPA) regulations should be strictly limited by the need to know. The extra confidential records maintained by the Consolidated School District of New Britain include psychiatric evaluations, family assessments and child abuse reports.
- E. Parent: A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.
- F. Party: An individual, agency, institution or organization.

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

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

II. Annual Notifications of Rights

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

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

III. Procedure to Inspect and Review Educational Records

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

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

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

IV. Refusal to Provide Copies of Education Records

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

V. Types, Locations and Custodians of Education Records

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

VI. Fees for Copies of Records

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

VII. Disclosure of Education Records

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

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

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

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

VIII. Personally Identifiable Information

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

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

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

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

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

IX. Correction of Education Records

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

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

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