

DANBURY PUBLIC SCHOOLS

Danbury, Connecticut

POLICY

STUDENT RECORDS

Adopted: 2/9/2000

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POLICY

The Board of Education complies with the state and federal regulations regarding confidentiality and 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.

DEFINITIONS

A. Student Records

1. "Student records" shall include any information directly related to a student that is recorded in any manner (e.g., in writing, on film, or on tape or disk) and that is maintained by the school system or persons acting for the school system.
2. "Student records" shall 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) employment records used only in relation to the student's employment by the school district;
 - (c) alumni records that contain information about the students after they are no longer in attendance at the school; and
 - (d) records on an eligible student that are maintained by a physician, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

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B. Directory Information

"Directory information" includes information not generally considered harmful or an invasion of privacy if disclosed, including, e.g., name, address, telephone number, date and place of birth, major field(s) of study, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

C. Eligible Student

An "eligible student" is 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. Parent

The word "parent" is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent. 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 the student's records without the eligible student's consent.

E. Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.

F. Access

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"Access" is defined as the right to inspect, review, or obtain copies of a student's educational records or any part thereof.

PROCEDURES

The following procedures shall apply regarding student records:

Parents and/or eligible students have the right to inspect and review all education records of their child. A request to inspect and review records shall be in writing.

For the records of regular education students, the Board will make records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than 45 days from receipt of a written request. For the records of special education students, the following time frames apply: As required by Section 10-76d-18(b)(1) of the Regulations of Connecticut State Agencies, written requests by parents of students requiring special education and related services will be accommodated within ten (10) school days of the receipt of such requests, within three (3) school days of the receipt of such requests if the requests are made in order to prepare for a meeting regarding an individualized education program or within three (3) calendar days of such a request if the request is made in order to prepare for a meeting related to any due process proceeding. One free copy of a student's records will be provided to parents of students requiring special education and related services on written request within 5 school days of the request.

The Superintendent will appoint individuals to be responsible for the care and upkeep of all student records in each school and for the district. Educational records are kept by categories, each of which encompasses a specific type of data collected during a student's education career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

On an annual basis, the school district will notify parents of students or eligible 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 Pupil Personnel

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Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights.

CONFIDENTIALITY OF EDUCATION RECORDS

- A. All school staff must understand that personally identifiable information in student records is confidential. Each person who has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages.
- B. Student records are not public records and any disclosure other than to persons authorized to receive the records without prior parent consent violates the law and Board policy, except as provided in federal and state statutes.

ACCESSIBILITY TO STUDENT RECORDS

- A. A parent or eligible student may have access to specific confidential information about the student unless such rights have been waived under "Waiver of Rights", below.
- B. Aside from a parent or eligible student, only professional staff members who have been determined by the school system to have a legitimate educational need, and the other exemptions as set forth in "The Release of Records or Personal Data" below may have access to a student's records. The district maintains a record of parties that have access to education records, including information found in computer memory banks.
- C. Parents' rights of inspection and review are restricted to information dealing with their own child. All requests for access to student records must be in writing. A parent does not lose their right to access to records upon divorce. This means that even non-custodial parents retain their rights to review their child's education records unless otherwise ordered by a court.
 - 1. When requesting inspection or review, a parent or eligible student will submit a written request that identifies the record or records being

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sought. 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 will be accommodated within a reasonable period of time but in no case more than 45 calendar days after the receipt of such requests.

2. The parents may designate a representative to inspect and review the records.
 3. A school professional shall be present at all such inspections and reviews and shall explain and interpret data in the records whenever access is granted.
- D. A fee cannot be charged by the system to search for or to retrieve the educational records of a student. If a student has been identified as requiring special education and related services, the parents' right to inspect and review the child's records shall include the right to receive one free copy of those records. A 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.
- E. A form will be kept documenting individuals who have obtained access to student records, including information found in computer memory banks.
1. The form shall indicate the name of any individual, agency, or organization that obtained access to the student's records, the date access was given, and the purpose for which the party was granted access to the records, including the names of additional parties to whom the receiving party may disclose the information on behalf of the school district, and the legitimate educational interest in obtaining the information.
 2. The form does not need to include a record of access if the information was given to parents, eligible students, teachers, or other school personnel who have a legitimate educational interest in a student's record, a person(s) with written consent from the parent or eligible student, or if the records are sought under direction of a law

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enforcement subpoena, where either the existence or contents of the subpoena or the information requested in the subpoena is to remain undisclosed, or if access was to directory information only.

3. The form is a permanent part of the record and must be available to the parent or eligible student upon request.
- F. The following individuals may inspect a student's record: The parent or eligible student, the school official or other school personnel responsible for maintaining the student's records, school personnel with a legitimate educational interest, and authorized representatives of the Comptroller General of the United States, the Secretary of Education, or State and local educational authorities.

THE RELEASE OF RECORDS OR PERSONAL DATA

- A. The school system or its designated agents may not permit release of personally identifiable records or files of any student to any outside individual, agency, or organization without the written consent of the parents or eligible student, except as indicated in VI.(D) below. Personally identifiable information contained in the student record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, etc.) to any person other than those listed below, unless 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, note the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure is:
 1. To other school officials, including teachers within the educational agency who have been determined by such agency or institution to have legitimate educational interests in the records. A school official has a legitimate educational interest in the records if the official is: (i) performing a responsibility that is specified in their job description, position description, or contract agreement; (ii) performing a task

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related to the student's education; (iii) performing a task related to discipline of a student.

2. To officials of other schools or school systems in which the student seeks or intends to enroll 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 "Amendment of Student Records".
3. To authorized representatives of the Comptroller 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.
4. 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.
5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, if the disclosure concerns the juvenile justice system and its ability effectively to serve the student whose records are released or if the officials and authorities to whom the records are disclosed certify in writing to the school district that the information 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.
6. To accrediting organizations in order to carry out their accrediting functions.

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7. 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 1954.
8. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
 - a. A student's education records may include appropriate information concerning disciplinary action taken against the student if the student's conduct posed a significant risk to the safety or well-being of the student or other individuals within the school community.
 - b. Such information may be disclosed to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.
9. 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 order or subpoena specifies to the contrary.
10. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administer student aid programs, or improving instruction, so long as the study does not permit personal identification of parents or students by individuals outside the organization and the information is destroyed after it is no longer needed.
11. Between two or more schools in which the student is enrolled or receiving services.
12. Directory Information as identified in "Definitions". The school district will notify parents or eligible students annually of the district's intent to disclose such information and provide such individuals with an opportunity to object to such disclosure.

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AMENDMENT OF STUDENT RECORDS

- A. If a parent or an eligible student believes that information in the student's records is inaccurate or misleading or violates the student's right to privacy, they are entitled to:
1. Request in writing that the school district make appropriate amendments;
 2. Receive within two (2) weeks a decision from the school district.
- B. If the decision is to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect.
- C. If the school district decides that an amendment of data in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise them of the right to a hearing.

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 data to insure that they are not inaccurate, misleading, or otherwise in violation of the student's right to privacy.
2. If, as a result of the hearing, the decision is that the data are inaccurate, misleading, or otherwise in violation of the student's right to privacy, the data shall be amended, and the parent or eligible student shall be informed in writing.
3. If, as a result of the hearing, it is decided that data are not inaccurate, misleading, or otherwise in violation of the student's right to privacy, the parent or eligible student shall be informed of the right to place in the records a statement setting forth the reasons for disagreement with the decision.
 - a. Any explanation placed in the records of the student shall be

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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 records of the student or the contested portion are disclosed by the school system to any eligible party, the statement of parental disagreement shall also be disclosed to said party.

B. Procedures

1. The hearing shall be held within thirty (30) school days after the school system has received the request, unless the parent requests a delay.
2. The parent shall be given notice of the date, place, and time no less than one (1) school week prior to the hearing.
3. The hearing will be conducted by a person(s) 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 and the school system shall have the right to be represented by person(s) of their choosing, 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 ten (10) days of 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.

WAIVER OF RIGHTS

- A. A parent of a student or an eligible student may waive their right of access to confidential records subject to the following limitations:
 1. The waiver must be signed by the parent or an eligible student.

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2. An educational agency or institution may not require such a waiver, but may request it.
- B. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive their right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:
1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
 2. The letters or statements are used only for the purpose for which they were originally intended.
 3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.
 4. The waiver must be in writing and executed by the student, regardless of age, rather than by the parent.
- C. A waiver may be revoked with respect to any actions occurring after the revocation.
- D. Revocation of a waiver must be in writing.
- E. If a parent of a student executes a waiver, that waiver may be revoked by the student at any time after they reach the age of 18.

SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

- A. **The following definitions shall apply "Special Confidentiality Procedures for HIV-Related Information" in 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

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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 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

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"School medical personnel" means an employee of the Board who is a registered 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 re-disclosure.

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, their 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

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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;
- 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 their legal guardian, shall keep such information confidential and shall not disclose such information.

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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 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.

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F. **Child Abuse Reporting**

1. 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 7-234.

LEGAL REFERENCE: Connecticut General Statutes 10-15b, 19a-581