

## **SECTION 6**

### **STUDENT EDUCATION RECORDS ACCESS, CONFIDENTIALITY AND AMENDMENT**

# STUDENT EDUCATION RECORDS

CTECS' schools maintain a variety of student records. It is the policy of CTECS to protect the confidentiality of education records and to maintain such records in accordance with applicable law, including the Family Educational Rights and Privacy Act (FERPA). FERPA affords parents and eligible students certain rights with respect to access, amendment and confidentiality of students' education records.

## DEFINITIONS:

**"Student"** means a person who is or was enrolled in a CTECS school.

**"Eligible student"** means a student who has attained eighteen (18) years or is attending an institution of post-secondary education,

**"Parent"** means a student's natural parent, guardian or an individual acting as a parent in the absence of a parent or guardian.

**"Education records"** means information that directly relates to a student that is collected, maintained or used by the school system. It includes information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Education records do **not** include the following:

- Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- Records of a law enforcement unit.
- Records relating to an individual who is employed by the school system.
- Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- Grades on peer-graded papers before they are collected and recorded by a teacher.

**"Personally identifiable information"** includes a student's name; name of the student's parent or other family members; address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics); 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.

When a student is transgender and has a preferred name (but, has not legally changed his/her name), all school documents and PowerSchool/PowerTeacher will have the preferred name. The only place the

student's legal name is retained is on a confidential page in PowerSchool that can only be viewed by administration used for state reporting purposes.

"**Disclosure**" means to permit access to or the release, transfer, or other communication of personally identifiable information 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.

## TYPES AND LOCATIONS OF EDUCATION RECORDS

All of CTECS' schools maintain student records in secure locations. Each student has a cumulative education record that is located in the School Counseling Department or main office. The cumulative education record includes general information such as the record of schools attended, admissions documents, parent/guardian contact information, transcript of grades, standardized test scores, attendance and discipline. Every student also has a health record that includes but is not limited to immunization history, doctor's notes, medication orders, activity restrictions and individualized health care plans. Health records are maintained by the School Nurse and include cumulative and electronic health records. Special education records are kept separately from the cumulative record by the Special Education Department Head. Special education records include items such as referrals, evaluations, IEPs, notices, correspondence, reports, functional behavioral assessments, and due process records.

Types of Records	Location	Custodian
Cumulative Education Records	Office of the School's Counseling Department or Main Office	Coordinator of School Counseling Services or Principal
Health Records	School Nurse's Office	School Nurse
Special Education Records	Special Education Department	Special Education Department Head
Admissions Records	Office of the School's Counseling Department and CTECS' Central Office	Director of Admissions

**Note:** Miscellaneous records not identified above are located in the main office. In compliance with Conn. Gen. Stat. § 19a-583, any written information about a student's HIV status shall not be included in the cumulative education record, routine school health records or other records accessible to a wide range of staff. Information about the HIV status of a specific student shall be kept in a secure manner in the cumulative health record by the School Nurse.

## ACCESS TO EDUCATION RECORDS

Parents and eligible students have the right to inspect and review the student's education records.

**Access rights of non-custodial parent:** CTECS gives full rights of access to either parent, unless it 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 these rights.

**Parents' access rights when student is age 18 or older:** When a student reaches the age of majority (18), the rights of the parents transfer to the student. The parents of an eligible student may continue to have access to education records without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.

**Surrogate parent:** Individuals appointed to advocate for a student with a disability pursuant to Conn. Gen. Stat. §10-94g have the same right of access as parents.

Parents and eligible students may use the following procedure to inspect, review and request copies of education records:

**Written request:** All requests to inspect, review or obtain copies of a student's education records shall be made in writing to the Principal of the student's school and identify the records requested. For students who receive special education, a copy of the request should also be submitted to the Special Education Department Head.

**Time for the school to respond to request:** The school shall comply with a request for access to records from a parent or eligible student within a reasonable period of time but in any event, no more than forty-five calendar days from the receipt of the request. A school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. The school shall also respond to reasonable requests for explanations and interpretations of the records.

**Time to respond when a student receives special education:** If the student who is the subject of the request receives special education, the school shall comply with a request to review and inspect the student's education records without unnecessary delay. This means that the opportunity to review and inspect the education records will be provided before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the school shall comply with the request regarding a student who receives special education not later than ten (10) days of the request.

**Copies of Education Records:** CTECS will provide parents or eligible students with a copy of the student's education record upon receipt of a written request.

**Fees for Copies of Records:** The fee for copies of the student's education records is 25 cents per page. There is no fee for records that are delivered electronically. Parents of students receiving special education and/or related services have the right to receive one free copy of the student's education records within ten (10) days of the request. If the imposition of the fee effectively prevents a parent

from exercising the right to inspect and review the student's education records, the fee shall be waived.

Access to education records and information may be limited in the following situations:

**Records relate to more than one student:** If the education records of a student contain information on more than one student, the parents may only have access to the specific information about their child.

**Privileged communications between student and professional employee:** Administrators, teachers and nurses are not required to disclose information concerning a student's alcohol or drug problem if the information was revealed during a communication made privately and in confidence by the student to the professional employee.

**Access to copyrighted instruments:** Any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest shall not be copied. The parent may review and inspect such information at the location where the records are kept if the records have been retained (state law allows test protocols to be discarded at the discretion of the school administration).

**Confidential HIV-related information:** If the education records include confidential HIV-related information (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), such information may not be released without a written authorization specifically allowing for the disclosure of confidential HIV-related information.

## **CONFIDENTIALITY AND DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS**

**Signed and dated written consent required for disclosure:** Before CTECS discloses personally identifiable information from a student's educational records to persons other than the parent or eligible student, the parent or eligible student shall provide a signed and dated written consent. The written consent shall 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. "Signed and dated written consent" may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent and indicates the person's approval of the information in the electronic consent.

**Copy of records disclosed:** If a parent or eligible student so requests, the school shall provide him/her with a copy of the records disclosed subject to applicable fees.

**Exceptions to the requirement of written consent prior to disclosure:** FERPA gives CTECS the discretion to disclose personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. Among these exceptions are the following (not an exhaustive list):

**School officials who have a legitimate educational interest:** Personally identifiable information about a student can be disclosed to school officials with legitimate educational interests without written consent of the parent or eligible student. A school official is a person employed by CTECS as an administrator, supervisor, teacher, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the CTECS Board; or a person or company with whom the CTECS has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist). The term "school official" includes, but is not limited to the following: the superintendent, assistant superintendents, administrators, supervisors, education consultants, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, school resource officers, members of the CTECS' Board; attorneys who represent CTECS, human resources staff, Equal Employment Opportunity or Affirmative Action personnel, accountants, auditors, transportation personnel, medical or educational consultants or therapists; or as a hearing officer or mediator in discipline and special education cases.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. This includes such purposes as:

- Performing appropriate tasks that are specified in her/his position description or by a contract agreement;
- Performing a task related to a student's education;
- Performing a task related to the discipline of a student; and
- Providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid.

Legitimate educational interest does not constitute authority to disclose information to a third party without the parent or eligible student's written permission. The disclosure of information contained in a student's educational records to a third party, requires written consent that identifies the third party.

## **SHARING OF STUDENT INFORMATION ACROSS EMAIL**

Please be advised that the following student information can be shared across e-mail with members of the school administration, teachers and other CTECS staff:

- Name
- District ID#
- State ID#
- Address
- School
- Courses/Credits
- Grades
- Attendance/Disciplinary
- Participation in Activities/Location
- Reduced Lunch Program Status
- Age

- Gender
- Ethnicity
- Special Education/disabilities

All the above information can be e-mailed to administration, teachers, CTECS staff and parents. Any audience outside of the ones mentioned should be discussed. This is not public information and cannot be distributed to the general public.

In addition, student/parent information (names, school, e-mail/telephone numbers, etc.) can be stored on outside contractors' servers for use for electronic message systems which alert in case of delays/closings/emergencies if there is a proper confidentiality agreement in place.

**Student Transferring Schools:** CTECS will forward education records to other agencies or institutions that have requested the records and in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. This includes the transfer of disciplinary records with respect to a suspension or expulsion. When such records are requested without a written consent of a parent or eligible student, notification of the transfer of records shall be sent to the parent or eligible student at the same time that the records are transferred.

## DIRECTORY INFORMATION

Directory information is individual student information not generally considered harmful or an invasion of privacy if disclosed.

It is CTECS' policy to permit the disclosure of directory information without prior consent. CTECS considers the following categories to be directory information: name, address, telephone number, email address, photograph, date of birth, major field of study, grade level, participation in officially recognized activities and sports, height and weight of members of athletic teams, dates of attendance, degrees, honors and awards received and most recent school previously attended. Directory information does not include a student's social security number or a student identification number that, by itself, may be used to gain access to education records.

A parent or eligible student may refuse to let the school disclose any or all of these types of directory information by "opting out" of the policy. Parents are notified annually of the right to opt out of the directory information policy. To opt out, the parent or eligible student must annually notify the school guidance coordinator in writing that he or she does not want any or all of these types of information designated as directory information. See section 13 for opt-out form information.

**Health or Safety Emergency:** The school may disclose education records or personally identifiable information from such records to appropriate parties (including the parents of an eligible student) if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making the decision to disclose information under this exception, the district must look at the totality of the circumstances. Disclosure is permitted where there is an articulable and significant threat to the health or safety of students, staff or other individuals. The disclosure should be limited to parties who need the information to address the emergency situation. The amount of information disclosed shall be narrowly tailored to the specific need and limited to the duration of the emergency. Disclosures for health and safety emergencies must be recorded in the student's education records.

**Armed Forces Recruiting:** A school district must provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students. School districts must provide military recruiters the same right of access to secondary students as they provide generally to postsecondary institutions and prospective employers. Parents may request that such information not be released for their child without prior written parental consent. See section 13 for opt-out form information.

**Financial Aid:** The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount or conditions for the aid or enforce the terms and conditions of the aid.

## AMENDMENT OF EDUCATION RECORDS

**Request to amend records:** Parents or eligible students may ask the school to amend a record that they believe is inaccurate, misleading or in violation of the student's rights of privacy. They should write the school principal, clearly identify the part of the record they want changed or corrected, and specify why it is inaccurate, misleading or a violation of the right of privacy.

**Right to a hearing:** If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. A hearing regarding amendment of records will include the following:

1. The school shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student;
2. The school shall give the parent or eligible student adequate notice of the date, time, and place of the hearing;
3. The hearing may be conducted by any individual, including an official of CTECS, who does not have a direct interest in the outcome of the hearing;
4. The school shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request for amendment. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney;
5. The school shall make its decision in writing within a reasonable period of time after the hearing; and
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

**Hearing decision:** If the decision is in favor of the parent or eligible student, the education record shall be amended. If the decision is that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the school shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school, or both.



**Statement contesting the education record:** When a statement is placed in the education records of a student, the school shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

## **ANNUAL NOTICE OF RIGHTS**

At the beginning of each school year, CTECS provides parents and eligible students with notice of their FERPA rights regarding education records. This notice includes information about CTECS' policy on directory information and the opportunity to opt-out of disclosure of directory information. For more information, please refer to CTECS' website page regarding [annual notices](#).

## **FILING A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION**

Parents or eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failure by CTECS to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: [Student Privacy Policy Office](#), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520. Complaints may also be submitted by email to [FERPA.Complaints@ed.gov](mailto:FERPA.Complaints@ed.gov).