

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Special Meeting**  
**Tuesday, August 28, 2018**  
5:00 PM  
501 Kings Highway East  
Superintendent's Conference Room

**Agenda**

- I. Call to Order
- II. Approval of June 5, 2018 and 19, 2018 Minutes
- III. Policy
  - a. Graduation Requirement Policy Update
  - b. Updates on Booster Club Policy, Social Media Policy, and Physical Restraint and Seclusion
  - c. New Business: Recommended updates to FERPA Policy
  - d. Legislative Updates September 2018
- IV. Future Items
  - 4118.51/4218.51 Use of Social Networking
  - 1230 Parent Organizations and Booster Clubs
- V. Open Discussion/Public Comment
- VI. Vote for Adjournment

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**  
**Tuesday, June 5, 2018**  
5:00 PM  
501 Kings Highway East  
Superintendent's Conference Room

**Minutes**

Call to Order 5:03 PM

- Present were Jennifer Maxon-Kennelly, Jennifer Jacobsen, Jeff Peterson, Colleen Deasy, Mike Cummings, Toni Jones.

Approval of May 22, 2018 Minutes

- Approved 3-0 as amended

High School Graduation Requirements

- The Committee reviewed the changes to the draft policy that had been made since the last meeting and made additional changes to the policy.
- Voted out to the Board for a first read 3-0.

Open Discussion/Public Comment

Vote to Adjourn 8:00 PM

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**  
**Tuesday, June 19, 2018**  
5:00 PM  
501 Kings Highway East  
Superintendent's Conference Room

**Minutes**

Call to Order 5:02 PM

- Present were Jennifer Maxon-Kennelly, Jennifer Jacobsen, Colleen Deasy, Mike Cummings, Toni Jones, Paul Rasmussen.

Approval of June 5, 2018 Minutes

- Will be voted on at August 27, 2018 meeting.

High School Graduation Requirements

- The Committee discussed the policy, specifically focusing on whether to include standardized testing as a mastery-based requirement.

Open Discussion/Public Comment

- Bob Smoler, President of the FEA, urged the committee to consider removing standardized testing from the mastery-based requirements.

Vote to Adjourn 6:13 PM

## Students

## Progress / Records

## REQUIREMENTS FOR GRADUATION

6146 (a)

### Introduction

#### I. Graduating Classes 2018 - 2019

To graduate from the Fairfield Public Schools students in the class of 2018 to 2019 must earn a minimum of 43 credits and meet the credit distribution requirement. A student must demonstrate the designated computer applications proficiency. One semester equals 1 credit.

##### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	7 credits
Physical Education & Health	3 credits (16 units)
Arts / Vocational	2 credits

#### II. Graduating Classes 2020-2022

To graduate from the Fairfield Public Schools students in the class of 2020 to 2022 must earn a minimum of 43 credits and meet the credit distribution requirement. One semester equals 1 credit.

##### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	7 credits
Physical Education & Health	3 credits (16 units)
Arts / Vocational	2 credits

#### III. Graduating Classes Beginning 2023

For the graduating classes commencing in 2023 students must earn a minimum of 25 credits and meet the credit distribution requirement. One semester equals .5 of a credit for a full block assignment. Single courses requiring additional scheduled time to be blocked will also receive commensurate credit.

For 7th and 8th grade students - credit earned upon successful completion in grade seven or eight of any course, the primary focus of which corresponds directly to the subject matter of a specified course requirement in grades nine to twelve, up to three (3) credits. 8<sup>th</sup> grade students must commit by the end of the school year to having eligible course(s) count toward high school credit and GPA.

## Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 25 credits. Each course taken can be credited to only one of the areas below. The 25 credits must achieve the following credit distribution:

Credits in the Humanities	<u>9 credits</u>
Comprising:	
English	4.0 credits
Social Studies (1 in US History; .5 in Civics)	3.5 credits
Additional credit in Humanities area, core or elective	1.5 credits
Credits in Science, Technology, Engineering and Technology (STEM)	<u>9 credits</u>
Comprising:	
Math	3 credits
Science	3 credits
Additional credit in STEM area core or elective	3 credits
Physical Education and Wellness	<u>1 credit</u>
0.5 credit must be in PE	
Health and Safety	<u>1 credit</u>
0.75 credit must be in Health	
World Language	<u>1 credit</u>
Electives	<u>3 credits</u>
0.5 credit must be in Fine Arts/Vocational Arts	

Mastery Based Diploma Assessment/Assured Skill Experiences 0.5 credit

Students will demonstrate proficiency in each of the indicators of the academic expectations which are embedded in projects and activities developed by the FPS faculty in the following areas:

- Critical and Creative Thinking (Exploring and Understanding, Synthesizing and Evaluating, Creating and Constructing); and
- Communicating and Collaborating (Conveying Ideas, Using Communication (Media) Tools, Collaborating Strategically)

Mastery-Based Diploma Assessment/Assured Content Experience 0.5 Credit  
Completion of one of the options listed below in each of the two sections.

#### **IV. Mastery-Based Diploma Assessment/Assured Content Experience Options**

##### **Mathematics:**

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Math portion of the PSAT or SAT

Meet the State of Connecticut expectations for proficiency on the Math portion of the ACT

Present an SAT or ACT sub-score test which meets the criteria for a score of proficient.

Pass a competency-based assessment to demonstrate proficiency in those designated sub-test areas.

Meet the proficiency standard on a district developed math portfolio

Completion of a capstone course

Completion of a course internship in a field of study or employment opportunity or volunteer role that requires the use of Algebra II level math at a minimum

Provide a grade equivalency sub-score on a scientifically valid assessment of mathematics.

##### **Evidence Based Reading and Writing:**

Meet the **State of Connecticut** expectations for 11<sup>th</sup> Grade proficiency on the Evidence Based Reading and Writing portion of the PSAT or SAT

Meet the State of Connecticut expectations for proficiency on the English or Reading portion of the ACT

Present an SAT or ACT sub-score test which meets the criteria for a score of proficient.

Pass a competency based assessment to demonstrate proficiency in those designated sub-test areas.

Present a grade equivalency sub-score on a scientifically valid assessment of reading.

Meet the proficiency standard on a district developed literacy portfolio

Completion of a capstone course

Completion of a course internship in a field of study or employment opportunity or volunteer role that requires the use of junior year level English

~~Provide evidence of a self-published or professionally published piece of work available for public access or purchase.~~

## **V. Additional Considerations**

### **Transfers**

If a student transfers to a Fairfield high school after completing three (3) years of high school elsewhere, he/she is exempt from Fairfield High School Performance Standards.

### **Notification: Teachers, Students, and Parents**

By August before the start of the Senior Year, the guidance department will formally notify students, their teachers, and their parents or guardians if the district's standard has not been met in the areas of Mathematics or Evidence- Based Reading and Writing. A plan will be put in place to assist the student in successful completion of an alternate pathway.

### **Options**

If a student does not meet the credits required for graduation he or she may return to the high school for a fifth year, enroll in summer school, or enroll in other course options, all to be pre-approved by the headmaster(s) and Chief Academic Officer.

### **Appeals**

The headmaster(s) shall oversee all appeals processes for accepting credit substitutions in unique circumstances, or accepting credit from accredited institutions outside the Fairfield Public School system, such as other high schools, higher education, and national programs. The final authority to determine graduation eligibility rests with the Chief Academic Officer.

Legal Reference:      Connecticut General Statutes

NEW LEGISLATION REFERENCE HERE

Approved 8/27/04

Revised and Approved 9/27/05

Revised and Approved 1/12/2010

Fairfield Public Schools  
Board of Education  
Policy Guide

## **Instruction**

### **REQUIREMENTS FOR GRADUATION**

**6146(a)**

#### **Introduction**

To graduate from the Fairfield Public Schools a student must earn a minimum of 43 credits and meet the credit distribution requirement. A student must demonstrate the designated computer applications proficiency.

Beginning with the graduating Class of 2006, a student must also meet designated levels of academic proficiency in mathematics, reading across the disciplines, and writing across the disciplines. Beginning with the Class of 2008, a student must also meet designated academic proficiency in science.

#### **Credit Requirements for Graduation**

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	6 credits
	(7 credits beginning with the class of 2015)
Physical Education & Health	3.2 credits (16 units)
Arts / Vocational	2 credits

The 3.2 credit requirement in Physical Education & Health will be applicable with the class of 2014.

Both the 6 credit requirement in Science and 43 credit minimum requirement will be applicable to the class of 2009.

#### **Demonstrate Computer Applications Proficiency**

#### **Demonstrate Academic Proficiency**

Score at or above the Proficiency Level on each of four areas of The Connecticut Academic Performance Test (CAPT): Mathematics, Reading Across the Disciplines, Writing Across the Disciplines and Science;

OR

Demonstrate proficiency on performance assessments, which correspond to any areas of CAPT, which fall below the designated score levels.



## **Instruction**

### **REQUIREMENTS FOR GRADUATION (continued)**

**6146(b)**

#### **High School Performance Standards**

**Math:** A student who has not met the CAPT mathematics criterion must demonstrate proficiency in one of the following ways.

a. The student will be retested on the CAPT the following year in order to demonstrate proficiency by meeting the district's identified standard;

OR

b. The individual sub-tests of CAPT that do not meet the above criteria will be identified. Open-ended math problems, which correspond to these sub-tests and are appropriate to the content of the course in which the student is enrolled, will be constructed. Student work on these assessments will be retained in an electronic folder or in a work folder maintained by the student and monitored by the student's teacher. During the summer between junior and senior year, a committee of math teachers will examine this collective work, rate each assessment against an established rubric, and determine if the work demonstrates proficiency.

c. Additional performance tasks will be provided during the fall of the senior year for those students who did not demonstrate proficiency on their junior demonstration folder. By the second week in January, a committee of mathematics teachers will examine this work against the established rubric and determine if the work demonstrates proficiency.

d. A student who does not demonstrate proficiency in his senior demonstration folder must successfully complete a performance-based Senior Exit Program.

**Reading Across the Disciplines** consists of two sub-categories: Response to Literature and Reading for Information. A student who has not met the CAPT Reading Across the Disciplines criteria must demonstrate proficiency in one of the following ways.

a. The student will be retested on the CAPT the following year in order to demonstrate proficiency by meeting the district's identified standard;

OR

## **Instruction**

### **REQUIREMENTS FOR GRADUATION (continued)**

**6146(c)**

#### **Reading Across the Disciplines (continued)**

Assessment instruments will be constructed by English teachers (Response to Literature) and social studies teachers (Reading for Information) to allow students to demonstrate proficiency in reading based on the CAPT criteria:

- b. The individual sub-tests of CAPT, which do not meet the above criteria, will be identified. Reading assessments, which correspond to these sub-tests and are appropriate to the content of the course in which the student is enrolled, will be constructed. (The English department will be responsible for the subset of Response to Literature and the social studies department will be responsible for Reading for Information.) Student work on these assessments will be retained in an electronic folder or in a work folder maintained by the student and monitored by the student's teacher. During the summer between junior and senior year, a committee of English and social studies teachers will examine this collective work, rate each assessment against an established rubric, and determine if the work meets performance standards.
- c. Additional performance tasks will be provided during the fall of the senior year for those students who did not demonstrate proficiency on their junior reading assessments. By the second week in January, a committee of English and/or social studies teachers will examine this work against the established rubric and determine if the work demonstrates proficiency.
- d. A student who does not demonstrate proficiency in his senior demonstration folder must successfully complete a performance-based Senior Exit Program.

**Writing Across the Disciplines** consists of two (2) subcategories, which are: Interdisciplinary Writing and Editing and Revising. A student who has not met the CAPT Writing Across the Disciplines criteria must demonstrate proficiency in one of the following ways.

- a. The student will be retested on the CAPT the following year in order to demonstrate proficiency by meeting the district's identified standard;

OR

## **Instruction**

### **REQUIREMENTS FOR GRADUATION (continued)**

**6146(d)**

#### **Writing Across the Disciplines (continued)**

Assessment instruments in English and social studies will be constructed to allow students to demonstrate proficiency in writing based on the CAPT rubrics. Internal assessment prompts will be constructed to allow students to demonstrate proficiency in writing in the following manner:

- b. The individual sub-tests of CAPT, which do not meet the above criteria, will be identified. Writing assessments, which correspond to the two sub-tests and are appropriate to the content of the course in which the student is enrolled, will be constructed. Student work on these assessments will be retained in an electronic folder or in a work folder maintained by the student and monitored by the student's teacher. A committee of English and social studies teachers will examine this collective work, rate each assessment against an established rubric, and determine if the work meets performance standards.
- c. Additional performance tasks will be provided during the fall of the senior year for those students who did not demonstrate proficiency on their junior writing assessments. By the second week in January, a committee of English and/or social studies teachers will examine this work against the established rubric and determine if the work demonstrates proficiency.
- d. A student who does not demonstrate proficiency in his senior demonstration folder must successfully complete a performance-based Senior Exit Program.

**Science:** A student who has not met the CAPT Science criterion must demonstrate proficiency in one of the following ways:

- a. The student will be retested on the CAPT the following year in order to demonstrate proficiency by meeting the district's identified standard;

OR

- b. The individual CAPT science standards that do not meet the above criteria will be identified. Performance tasks that correspond to these standards and are appropriate for the course in which the student is enrolled, will be constructed. Student's work on these tasks will be retained in an electronic folder or in a work folder maintained by the student and monitored by the student's teacher. During the summer between junior and senior year, a committee of science teachers will examine this collective work, rate each task against an established rubric, and determine if the work demonstrates proficiency.

## **Instruction**

### **REQUIREMENTS FOR GRADUATION (continued)**

**6146(e)**

#### **Writing Across the Disciplines (continued)**

- c. Additional tasks will be provided during the fall of senior year for those students who did not demonstrate proficiency on their junior demonstration folder. By the second week in January, a committee of science teachers will examine this work against the established rubric and determine if the work demonstrates proficiency.
- d. A student who does not demonstrate proficiency in his/her senior demonstration folder must successfully complete a performance-based Senior Exit Program.

#### **Procedures for Review of Student Work**

The Headmaster(s) of Fairfield high school(s) and the appropriate curriculum leaders will appoint a committee of teachers. Student work will be submitted and reviewed at the end of the student's junior year. Students who do not meet the standards on either the CAPT retest(s) or the submitted demonstration folder will be allowed to submit another demonstration folder at the conclusion of the first semester of their senior year. Students who do not demonstrate proficiency will enroll in a designated senior project course and/or a designated math course.

#### **Transfers**

If a student transfers to a Fairfield high school after completing three (3) years of high school elsewhere, he may be exempt from Fairfield High School Performance Standards.

#### **Notification: Teachers, Students, and Parents**

The guidance department will formally notify students, their teachers, and their parents or guardians if the district's standard on the CAPT has not been met in the areas of Mathematics, Reading Across the Disciplines, and Writing Across the Disciplines. Students who have not met the district's standard will be encouraged to retake designated CAPT areas in the spring of their junior year and to submit a demonstration folder of their work by June 1<sup>st</sup> as indicated above. The results of the assessment of the student work will be communicated to students who have demonstrated proficiency on their folder of work by the second week of September. The results of the CAPT retest and the scoring of the folder of student work from the first semester of the senior year will be communicated by the guidance department via certified mail to the student and parent or guardian by the second week of January of the senior year.

Successful completion of a performance-based Senior Exit Program will be communicated to the students and parent or guardian by June 1<sup>st</sup> of the senior year.

## **Instruction**

### **REQUIREMENTS FOR GRADUATION (continued)**

**6146(f)**

## **Options**

If a student does not demonstrate proficiency as described, he may return to the high school for a fifth year, enroll in summer school, or register for appropriate night school classes.

## **Appeals**

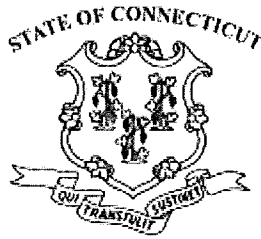
The headmaster(s) shall design and implement an appeals process. The final authority to determine proficiency on appeal will rest with the headmaster(s).

Legal Reference:      Connecticut General Statutes  
                                 10-14n Statewide mastery examination. Conditions for reexamination.  
                                 Limitation on use of test results  
                                 10-16(l) Graduation exercises (as amended by PA 96-108 An Act  
                                 Concerning Student Use of Telecommunication Devices and the  
                                 Establishment of Graduation Dates)  
                                 10-221a High school graduation requirements (as amended by PA 00-156  
                                 An Act Concerning High School Diplomas and Veterans of World War II

Adopted 8/27/2004

Revised and Adopted 9/27/2005

Revised and Adopted 1/12/2010



Enclosure 3c  
June 12, 2018

**Substitute Senate Bill No. 1026**

**Public Act No. 17-42**

**AN ACT CONCERNING REVISIONS TO THE HIGH SCHOOL GRADUATION REQUIREMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-221a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) For classes graduating from 1988 to 2003, inclusive, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed a minimum of twenty credits, not fewer than four of which shall be in English, not fewer than three in mathematics, not fewer than three in social studies, not fewer than two in science, not fewer than one in the arts or vocational education and not fewer than one in physical education.

(b) For classes graduating from 2004 to [2020] 2022, inclusive, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed a minimum of twenty credits, not fewer than four of which shall be in English, not fewer than three in mathematics, not fewer than three in social studies, including at least a one-half credit course on civics and American government, not fewer than two in science, not fewer than one in the arts or vocational education and not fewer than one in physical education.

[(c) Commencing with classes graduating in 2021, and for each graduating class thereafter, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed (1) a minimum of twenty-five credits, including not fewer than: (A) Nine credits in the humanities, including not fewer than (i) four credits in English, including composition; (ii) three credits in social studies, including at least one credit in American history and at least one-half credit in civics and American government; (iii) one credit in fine arts; and (iv) one credit in a humanities elective; (B) eight credits in science, technology, engineering and mathematics, including not fewer than (i) four credits in mathematics, including algebra I, geometry and algebra II or probability and statistics; (ii) three credits in science, including at least one credit in life science and at least one credit in physical science; and (iii) one credit in a science, technology, engineering and mathematics elective; (C) three and one-half credits in career and life skills, including not fewer than (i) one credit in physical education; (ii) one-half credit in health and safety education, as described in section 10-16b; and (iii) two credits in career and life skills electives, such as career and technical education, English as a second language, community service, personal finance, public speaking and nutrition and physical activity; (D) two credits in world languages, subject to the provisions of subsection (g) of this section; and (E) a one credit senior demonstration project or its equivalent, as approved by the State Board of Education; and (2) end of the school year examinations

for the following courses: (A) Algebra I, (B) geometry, (C) biology, (D) American history, and (E) grade ten English.]

(c) Commencing with classes graduating in 2023, and for each graduating class thereafter, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed a minimum of twenty-five credits, including not fewer than: (1) Nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education, as described in section 10-16b; (5) one credit in world languages, subject to the provisions of subsection (g) of this section; and (6) a one credit mastery-based diploma assessment.

(d) Commencing with classes graduating in [2021] 2023, and for each graduating class thereafter, local and regional boards of education shall provide adequate student support and remedial services for students beginning in grade seven. Such student support and remedial services shall provide alternate means for a student to complete any of the high school graduation requirements [or end of the school year examinations] described in subsection (c) of this section, if such student is unable to satisfactorily complete any of the required courses or exams. Such student support and remedial services shall include, but not be limited to, (1) allowing students to retake courses in summer school or through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state system of higher education, as defined in section 10a-1, pursuant to subdivision (4) of subsection (g) of this section; (3) allowing students who received a failing score, as determined by the Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and (4) allowing those students whose individualized education programs state that such students are eligible for an alternate assessment to demonstrate competency on any of the five core courses through success on such alternate assessment.

(e) Any student who presents a certificate from a physician or advanced practice registered nurse stating that, in the opinion of the physician or advanced practice registered nurse, participation in physical education is medically contraindicated because of the physical condition of such student, shall be excused from the physical education requirement, provided the credit for physical education may be fulfilled by an elective.

(f) Determination of eligible credits shall be at the discretion of the local or regional board of education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. The local or regional board of education may permit a student to graduate during a period of expulsion pursuant to section 10-233d, if the board determines the student has satisfactorily completed the necessary credits pursuant to this section. The requirements of this section shall apply to any student requiring special education pursuant to section 10-76a, except when the planning and placement team for such student determines the requirement not to be appropriate. For purposes of this section, a credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited, (2) through on-line coursework that is in accordance with a policy adopted pursuant to subsection (g) of this section, or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.

(g) Only courses taken in grades nine to twelve, inclusive, and that are in accordance with the state-wide subject matter content standards, adopted by the State Board of Education pursuant to section

10-4, as amended by this act, shall satisfy the graduation requirements set forth in this section, except that a local or regional board of education may grant a student credit (1) toward meeting the high school graduation requirements upon the successful demonstration of mastery of the subject matter content described in this section achieved through educational experiences and opportunities that provide flexible and multiple pathways to learning, including cross-curricular graduation requirements, career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college, courses taken in middle school, internships and student-designed independent studies, provided such demonstration of mastery is in accordance with such state-wide subject matter content standards; (2) toward meeting a specified course requirement upon the successful completion in grade seven or eight of any course, the primary focus of which corresponds directly to the subject matter of a specified course requirement in grades nine to twelve, inclusive; [(2)] (3) toward meeting the high school graduation requirement upon the successful completion of a world language course (A) in grade six, seven or eight, (B) through on-line coursework, or (C) offered privately through a nonprofit provider, provided such student achieves a passing grade on an examination prescribed, within available appropriations, by the Commissioner of Education and such credits do not exceed four; [(3)] (4) toward meeting the high school graduation requirement upon achievement of a passing grade on a subject area proficiency examination identified and approved, within available appropriations, by the Commissioner of Education, regardless of the number of hours the student spent in a public school classroom learning such subject matter; [(4)] (5) toward meeting the high school graduation requirement upon the successful completion of coursework during the school year or summer months at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited. One three-credit semester course, or its equivalent, at such an institution shall equal one-half credit for purposes of this section; [(5)] (6) toward meeting the high school graduation requirement upon the successful completion of on-line coursework, provided the local or regional board of education has adopted a policy in accordance with this subdivision for the granting of credit for on-line coursework. Such a policy shall ensure, at a minimum, that (A) the workload required by the on-line course is equivalent to that of a similar course taught in a traditional classroom setting, (B) the content is rigorous and aligned with curriculum guidelines approved by the State Board of Education, where appropriate, (C) the course engages students and has interactive components, which may include, but are not limited to, required interactions between students and their teachers, participation in on-line demonstrations, discussion boards or virtual labs, (D) the program of instruction for such on-line coursework is planned, ongoing and systematic, and (E) the courses are (i) taught by teachers who are certified in the state or another state and have received training on teaching in an on-line environment, or (ii) offered by institutions of higher education that are accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited; or [(6)] (7) toward meeting the high school graduation requirement upon the successful completion of the academic advancement program, pursuant to section 10-5c.

(h) A local or regional board of education may offer one-half credit in community service which, if satisfactorily completed, shall qualify for high school graduation credit pursuant to this section, provided such community service is supervised by a certified school administrator or teacher and consists of not less than fifty hours of actual service that may be performed at times when school is not regularly in session and not less than ten hours of related classroom instruction. For purposes of this section, community service does not include partisan political activities. The State Board of Education shall assist local and regional boards of education in meeting the requirements of this section. The State Board of Education shall award a community service recognition award to any student who satisfactorily completes fifty hours or more of community service in accordance with the provisions of this subsection.



(i) (1) A local or regional board of education may award a diploma to a veteran, as defined in subsection (a) of section 27-103, of World War II or the Korean hostilities, as described in section 51-49h, or of the Vietnam Era, as defined in subsection (a) of section 27-103, who withdrew from high school prior to graduation in order to serve in the armed forces of the United States and did not receive a diploma as a consequence of such service.

(2) A local or regional board of education may award a diploma to any person who (A) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, December 7, 1941, to December 31, 1946, inclusive, (B) did not receive a diploma as a consequence of such work, and (C) has been a resident of the state for at least fifty consecutive years.

(j) For the school year commencing July 1, 2012, and each school year thereafter, each local and regional board of education shall create a student success plan for each student enrolled in a public school, beginning in grade six. Such student success plan shall include a student's career and academic choices in grades six to twelve, inclusive.

Sec. 2. Subsection (a) of section 10-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Said board shall have general supervision and control of the educational interests of the state, which interests shall include preschool, elementary and secondary education, special education, vocational education and adult education; shall provide leadership and otherwise promote the improvement of education in the state, including research, planning and evaluation and services relating to the provision and use of educational technology, including telecommunications, by school districts; shall adopt state-wide subject matter content standards, provided such standards are reviewed and revised at least once every ten years; shall prepare such courses of study and publish such curriculum guides including recommendations for textbooks, materials, instructional technological resources and other teaching aids as it determines are necessary to assist school districts to carry out the duties prescribed by law; shall conduct workshops and related activities, including programs of intergroup relations training, to assist teachers in making effective use of such curriculum materials and in improving their proficiency in meeting the diverse needs and interests of pupils; shall keep informed as to the condition, progress and needs of the schools in the state; and shall develop or cause to be developed evaluation and assessment programs designed to measure objectively the adequacy and efficacy of the educational programs offered by public schools and shall selectively conduct such assessment programs annually and report, pursuant to subsection (b) of this section, to the joint standing committee of the General Assembly having cognizance of matters relating to education, on an annual basis.

Sec. 3. Section 10-5e of the general statutes is repealed. (*Effective July 1, 2017*)

Approved June 13, 2017

Proposed Proficiency Scores for SAT and ACT

Enclosure 3d  
June 12, 2018

Assessment	Sub-Score Assessment	Sub-Score Assessment Range	Benchmark for Graduation
SAT	Mathematics	200-800	530
	Evidenced-Based Reading and Writing	200-800	480
ACT	Mathematics	1-36	22
	Reading	1-36	22
	English	1-36	18

## Students

## Progress / Records

## REQUIREMENTS FOR GRADUATION

**6146 (a)**

### Introduction

#### I. Graduating Classes 2018 - 2019

To graduate from the Fairfield Public Schools students in the class of 2018 to 2019 must earn a minimum of 43 credits and meet the credit distribution requirement. A student must demonstrate the designated computer applications proficiency. One semester equals 1 credit.

##### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
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Physical Education & Health	3 credits (16 units)
Arts / Vocational	2 credits

#### II. Graduating Classes 2020-2022

To graduate from the Fairfield Public Schools students in the class of 2020 to 2022 must earn a minimum of 43 credits and meet the credit distribution requirement. . One semester equals 1 credit.

##### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	7credits
Physical Education & Health	3 credits (16 units)
Arts / Vocational	2 credits

### III. Graduating Classes Beginning 2023

For the graduating classes commencing in 2023 students must earn a minimum of 25 credits and meet the credit distribution requirement. One semester equals .5 of a credit for a full block assignment. Single courses requiring additional scheduled time to be blocked will also receive commensurate credit.

For 7th and 8th grade students - credit earned upon successful completion in grade seven or eight of any course, the primary focus of which corresponds directly to the subject matter of a specified course requirement in grades nine to twelve, up to three (3) credits. 8<sup>th</sup> grade students must commit by the end of the school year to having eligible course(s) count toward high school credit and GPA.

#### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 25 credits. Each course taken can be credited to only one of the areas below. The 25 credits must achieve the following credit distribution:

Credits in the Humanities	<u>9 credits</u>
Comprising:	
English	4.0 credits
Social Studies (1 in US History; .5 in Civics)	3.5 credits
Additional credit in Humanities area, core or elective	1.5 credits
Credits in Science, Technology, Engineering and Technology (STEM)	<u>9 credits</u>
Comprising:	
Math	3 credits
Science	3 credits
Additional credit in STEM area core or elective	3 credits
Physical Education and Wellness	<u>1 credit</u>
0.5 credit must be in PE	
Health and Safety	<u>1 credit</u>
0.75 credit must be in Health	
World Language	<u>1 credit</u>
Electives	
0.5 credit must be in Fine Arts/Vocational Arts	<u>3 credits</u>

Mastery Based Diploma Assessment/Assured Skill Experiences 0.5 credit

Students will demonstrate proficiency in each of the indicators of the academic expectations which are embedded in projects and activities developed by the FPS faculty in the following areas:

- Critical and Creative Thinking (Exploring and Understanding, Synthesizing and Evaluating, Creating and Constructing); and

**6146 (c)**

- Communicating and Collaborating (Conveying Ideas, Using Communication (Media) Tools, Collaborating Strategically)

Mastery Based Diploma Assessment/Assured Content Experience 0.5 Credit  
Completion of one of the options listed below in each of the two sections

**IV. Mastery Based Diploma Assessment/Assured Content Experience Options**

**Mathematics:**

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Math portion of the PSAT or SAT

Meet the State of Connecticut college readiness benchmark expectations for proficiency on the Math portion of the ACT

~~Present an SAT or ACT sub-score test which meets the criteria for a score of proficient.~~

Pass a competency-based assessment to demonstrate proficiency in -math ~~those designated sub-test areas.~~

Meet the proficiency standard on a district developed math portfolio

Completion of a capstone course

Completion of a course internship in a field of study or employment opportunity or volunteer role that requires the use of Algebra II level math at a minimum

Provide a grade equivalency sub-score on a scientifically valid assessment of mathematics

**Evidence Based Reading and Writing:**

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Evidence Based Reading and Writing portion of the PSAT or SAT

Meet the State of Connecticut expectations for proficiency on the English portion of the ACT

Present an SAT ~~or ACT~~ Reading or Writing sub-score test which meets the criteria for a score of proficient

Pass a competency based assessment to demonstrate proficiency in those designated sub-~~test score~~ test areas

Present a grade equivalency sub-score on a scientifically valid assessment of reading

Meet the proficiency standard on a district developed literacy portfolio

Completion of a capstone course

## **6146 (d)**

Completion of a course internship in a field of study or employment opportunity or volunteer role that requires the use of a minimum of junior year level English

### **V. Additional Considerations**

#### **Transfers**

If a student transfers to a Fairfield high school after completing three (3) years of high school elsewhere, he/she is exempt from Fairfield High School Performance Standards.

#### **Notification: Teachers, Students, and Parents**

By August before the start of the Senior Year, the guidance department will formally notify students, their teachers, and their parents or guardians if the district's standard has not been met in the areas of Mathematics or Evidence- Based Reading and Writing. A plan will be put in place to assist the student in successful completion of an alternate pathway.

#### **Options**

If a student does not meet the credits required for graduation he or she may return to the high school for a fifth year, enroll in summer school, or enroll in other course options, all to be pre-approved by the headmaster(s) and Chief Academic Officer.

#### **Appeals**

The headmaster(s) shall oversee all appeals processes for accepting credit substitutions in unique circumstances, or accepting credit from accredited institutions outside the Fairfield Public School system, such as other high schools, higher education, and national programs. The final authority to determine graduation eligibility rests with the Chief Academic Officer.

Legal Reference:      Connecticut General Statutes

NEW LEGISLATION REFERENCE HERE

Approved 8/27/04

Revised and Approved 9/27/05

Revised and Approved 1/12/2010

**Students**

**Progress / Records**

**REQUIREMENTS FOR GRADUATION**

**6146 (a)**

**Introduction**

**I. Graduating Classes 2018 - 2019**

To graduate from the Fairfield Public Schools students in the class of 2018 to 2019 must earn a minimum of 43 credits and meet the credit distribution requirement. A student must demonstrate the designated computer applications proficiency. One semester equals 1 credit.

**Credit Requirements for Graduation**

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	7 credits
Physical Education & Health	3 credits (16 units)
Arts / Vocational	2 credits

**II. Graduating Classes 2020-2022**

To graduate from the Fairfield Public Schools students in the class of 2020 to 2022 must earn a minimum of 43 credits and meet the credit distribution requirement. . One semester equals 1 credit.

**Credit Requirements for Graduation**

To meet the minimum requirements for a high school diploma, a student must earn 43 credits and achieve the following credit distribution:

English	8 credits
Math	6 credits
Science	6 credits
Social Studies	7credits
Physical Education & Health	3 credits (16 units)
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### III. Graduating Classes Beginning 2023

For the graduating classes commencing in 2023 students must earn a minimum of 25 credits and meet the credit distribution requirement. One semester equals .5 of a credit for a full block assignment. Single courses requiring additional scheduled time to be blocked will also receive commensurate credit.

For 7th and 8th grade students - credit earned upon successful completion in grade seven or eight of any course, the primary focus of which corresponds directly to the subject matter of a specified course requirement in grades nine to twelve, up to three (3) credits. 8<sup>th</sup> grade students must commit by the end of the school year to having eligible course(s) count toward high school credit and GPA.

#### Credit Requirements for Graduation

To meet the minimum requirements for a high school diploma, a student must earn 25 credits. Each course taken can be credited to only one of the areas below. The 25 credits must achieve the following credit distribution:

Credits in the Humanities	<u>9 credits</u>
Comprising:	
English	4.0 credits
Social Studies (1 in US History; .5 in Civics)	3.5 credits
Additional credit in Humanities area, core or elective	1.5 credits
Credits in Science, Technology, Engineering and Technology (STEM)	<u>9 credits</u>
Comprising:	
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Physical Education and Wellness	<u>1 credit</u>
0.5 credit must be in PE	
Health and Safety	<u>1 credit</u>
0.75 credit must be in Health	
World Language	<u>1 credit</u>
Electives	
0.5 credit must be in Fine Arts/Vocational Arts	<u>3 credits</u>
Mastery Based Diploma Assessment/Assured Skill Experiences	<u>0.5 credit</u>

Mastery as determined by successful completion of the Fairfield Public Schools Academic Expectations and Completion of 40 hours of community service as an assured experience for Fairfield Public Schools Civic and Social Expectations.



Students will demonstrate proficiency in each of the indicators of the academic expectations which are embedded in projects and activities developed by the FPS faculty in the following areas:

- Critical and Creative Thinking (Exploring and Understanding, Synthesizing and Evaluating, Creating and Constructing); and

**6146 (e)**

- Communicating and Collaborating (Conveying Ideas, Using Communication (Media) Tools, Collaborating Strategically)

Mastery Based Diploma Assessment/Assured Content Experience ——— 0.5 Credit  
——— Completion of one of the options listed below in each of the two sections

#### **IV. Mastery Based Diploma Assessment/Assured Content Experience Options**

##### **Mathematics:**

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Math portion of the PSAT or SAT

Meet the State of Connecticut college readiness benchmark expectations for proficiency on the Math portion of the ACT

Present an SAT or ACT sub-score test which meets the criteria for a score of proficient.

Pass a competency based assessment to demonstrate proficiency in math those designated sub-test areas.

Meet the proficiency standard on a district developed math portfolio

Completion of a capstone course

Completion of a course internship in a field of study or employment opportunity or volunteer role that requires the use of Algebra II level math at a minimum

Provide a grade equivalency sub-score on a scientifically valid assessment of mathematics

##### **Evidence Based Reading and Writing:**

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Evidence Based Reading and Writing portion of the PSAT or SAT

Meet the State of Connecticut expectations for proficiency on the English portion of the ACT

Present an SAT or ACT Reading or Writing sub-score test which meets the criteria for a score of proficient

Pass a competency based assessment to demonstrate proficiency in those designated sub ~~test score~~  
~~test areas~~

~~Present a grade equivalency sub-score on a scientifically valid assessment of reading~~

~~Meet the proficiency standard on a district developed literacy portfolio~~

~~Completion of a capstone course~~

**6146 (d)**

~~Completion of a course internship in a field of study or employment opportunity or volunteer role  
that requires the use of a minimum of junior year level English~~

## **V. Additional Considerations**

### **Transfers**

If a student transfers to a Fairfield high school after completing three (3) years of high school elsewhere, he/she is exempt from Fairfield High School Performance Standards.

### **Notification: Teachers, Students, and Parents**

By August before the start of the Senior Year, the guidance department will formally notify students, their teachers, and their parents or guardians if the district's standard has not been met in the areas of Mathematics or Evidence- Based Reading and Writing. A plan will be put in place to assist the student in successful completion of an alternate pathway.

### **Options**

If a student does not meet the credits required for graduation he or she may return to the high school for a fifth year, enroll in summer school, or enroll in other course options, all to be pre-approved by the headmaster(s) and Chief Academic Officer.

### **Appeals**

The headmaster(s) shall oversee all appeals processes for accepting credit substitutions in unique circumstances, or accepting credit from accredited institutions outside the Fairfield Public School system, such as other high schools, higher education, and national programs. The final authority to determine graduation eligibility rests with the Chief Academic Officer.

Legal Reference:      Connecticut General Statutes

NEW LEGISLATION REFERENCE HERE

Approved 8/27/04

Revised and Approved 9/27/05  
Revised and Approved 1/12/2010

## Students

### STUDENT RECORDS: CONFIDENTIALITY

5125

The Board of Education will comply with applicable regulations regarding confidentiality and access to all student records. The Superintendent shall implement procedures that ensure strict confidentiality of student records while providing proper parental and/or student access to records. Availability of these regulations and procedures shall be made known annually to all parents/guardians of children within the District.

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.  
46b-56 (e) Access to Records of Minors.  
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).  
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  
P.L. 107-110 “No Child Left Behind Act of 2001” Sections 5208 and 9528  
P.L. 112-278 “The Uninterrupted Scholars Act”  
*Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)*

## Students

### Student Records: Confidentiality

5125AR (a)

#### Definitions

##### As used in this regulation:

1. **“Student”** means an individual who is or has been “in attendance” in person at an educational agency or institution for whom education records are maintained. 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.
2. **“Student Record”** means any item of information directly related to an identifiable student, other than directory information, which is maintained by the school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school district, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of review by a second party is considered a student record. *The definition of education records excludes grades on peer-graded papers before they are collected and recorded by a teacher. Peer-grading does not violate FERPA*

**“Student Record”** shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record. Employment records used only in relation to a student’s employment by the district are not considered student records. In addition, student records do not include alumni records that contain information about the student after the student is no longer in attendance, records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement or records of an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

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

**“Post-enrollment Records”** means that records that pertain to an individual’s previous attendance as a student are “education records” under FERPA regardless of when they were created or received by the institution.

## Students

### Student Records: Confidentiality

5125AR (b)

#### Definitions (continued)

3. **“Directory Information”** means information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent’s name and/or e-mail address, student’s name, address, telephone number.
4. **“Parent”** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student, unless parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1956.

5. **“School Official”** means a person employed by the district as an administrator, supervisor, instructor or support staff member, including health or medical staff and law enforcement unit personnel, a person currently serving on the Board of Education, a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical 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.
6. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means. 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.
7. **“Personally Identifiable Information”** includes but is not limited to the student’s name, the name of the student’s parent or other family member, the address of the student or student’s family, a personal identifier such as the student’s Social Security Number or student number, or “biometric records” (a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics and handwriting), a list of personal characteristics or indirect identifiers, such as the name of the student’s parent or other family members and the date and place of birth and mother’s maiden name, or other information that would allow a reasonable person in the school or community who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

## Students

### Student Records: Confidentiality

5125AR (c)

#### Definitions (continued)

8. **“Record”** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
9. **“Access”** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
10. **“Student”** means a person who is or was enrolled in a school.
11. **“Adult student”** means a person who is or was enrolled in school and who is at least eighteen (18) years of age.
12. **“Eligible Student”** means a student or former student who has reached eighteen years (18) of age or who is attending an institution of post-secondary education or is an emancipated minor.
13. **“Law Enforcement Unit”** means an individual office, department, division, or other component of an education agency or institution that is officially authorized or designated by that agency or institution to (1) enforce laws or refer matters of law enforcement to appropriate authorities, or (2) maintain the physical security and safety of the agency or institution.
14. **“Legitimate Education Interest”** means the need for a school official to review an educational record in order to fulfill his/her professional responsibilities.
15. **“Signed and Dated Waiver Consent”** means signed and dated written consent to disclose personally identifiable student information from a student’s 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 consent.
16. **“Authorized Representative”** means any 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.
17. **“Education Program”** means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

## Students

### Student Records: Confidentiality

5125AR (d)

#### Definitions (continued)

18. **“Early Childhood Education Program”** means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children’s cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

#### Types of Records

The school district shall maintain only the following three categories of records:

1. **“Mandatory Permanent Student Records”** are those records which are maintained in perpetuity (at least 50 years) and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:
  - A. Basic Biographical Information
  - B. Academic achievement (report card grades, transcripts)
  - C. Immunization Record
  - D. Daily Attendance
2. **“Mandatory Interim Student Records”** are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations (6 years following the student’s graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records), or authorized administrative directive. Such records include the following:
  - A. A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefore.
  - B. Comprehensive Health Record as specified in the Municipal Records Retention Schedule M-8 – Education Records. The Town of Fairfield Department of Public Health and Nursing is responsible for managing these records.
  - C. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.



## Students

### Student Records: Confidentiality

5125AR (e)

#### Types of Records (continued)

- D. Parental restrictions regarding access to directory information or related stipulations.
- E. Parental authorizations or prohibitions of student participation in specific programs.
- F. Results of standardized tests administered within the preceding three years.

*Note: Disciplinary records of suspension and expulsion are subject to being expunged according to state and federal statutes.*

- 3. **“Permitted Records”** are those records having clear importance only to the current educational process of the student. Such records may be destroyed following the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records. Such records may include the following:
  - A. Objective counselor and/or teacher ratings
  - B. Routine discipline data
  - C. Verified reports of relevant behavioral patterns
  - D. All disciplinary notices

### Maintenance and Security of Student Records

#### 1. Custodian of Records

- A. The Director of Human Resources and Legal Services is designated by the Superintendent of Schools as the custodian of student records.
  - (1) The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to student records.
  - (2) The custodian shall be responsible for security of student records and shall devise procedures for assuring that access to such records is limited to authorized persons.
  - (3) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.

## **Students**

### **Student Records: Confidentiality**

**5125AR (f)**

#### **Maintenance and Security of Student Records (continued)**

##### **1. Custodian of Records (continued)**

- B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

##### **2. Files**

- A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.
- B. Student records shall be stored in locked containers (files) or rooms.
- C. Student Records are also contained in the district student management data base, Infinite Campus. (Records contained in IC are not considered official records)

##### **3. Information**

- A. All assessment reports maintained as student records must be dated and signed by the individual who originated the record.

#### **Access to Student Records**

##### **1. School Officials**

- A. School officials, as defined, have access to students' educational records without consent, if the official has been determined to have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.
- B. Contractors, consultants, volunteers (must have specific authorization to have access), and other parties to whom a school has out sourced services or functions are considered "school officials" who may have access to student records, without parental consent, if the following conditions are met:

## **Students**

### **Student Records: Confidentiality**

**5125AR (g)**

#### **Access to Student Records** (continued)

##### **1. School Officials** (continued)

- The party is under the direct control of the school.
  - The party is subject to the same conditions governing the use and re-disclosure of education records applicable to other school officials.
  - The contractor must ensure that only individuals with legitimate educational interests, as determined by the district or school, obtain access to the education records. The contractor may not re-disclose personally identifiable information without consent unless the district or school has authorized the re-disclosure under a FERPA exception and the district or school records the subsequent disclosure.
- C. The district or school may not disclose education records to an outside service provider unless it has specified in its annual FERPA notification to parents/students that it uses contractors, consultants, volunteers, as “school officials” to provide certain institutional services and functions.
- D. In controlling access to education records by school officials and outside service providers, schools must:
- (1) Use “reasonable methods” to ensure an official is given access to only those education records, paper or electronic, in which the official has a legitimate educational interest.
  - (2) Schools may use such methods as:
    - Physical controls such as locked filing cabinets;
    - Technological controls such as role-based access controls for electronic records;
    - Administrative policies, in lieu of physical or technological controls. Such policies must be effective in controlling access.

## **Students**

### **Student Records: Confidentiality**

**5125AR (h)**

#### **Access to Student Records (continued)**

#### **2. Parents**

- A. Parents of currently enrolled or former students shall have an absolute right during regular business hours *by appointment* to access any and all student records related to their children which are maintained by the district. Neither the student record, nor any part thereof, shall be withheld or edited. If the student records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that student.
- B. A parent or guardian's request for access to student records shall be made in writing to the custodian of student records (at the school level this is the Principal/Headmaster or designee). Access shall be granted no later than forty-five (45) days following the date of the request.
- C. A requesting parent shall be notified of the location of all student records, if not centrally located.
- D. When a parent's dominant language is not English, the district shall make an effort to
  - (1) provide interpretation of the student record in the dominant language of the parent, or
  - (2) assist the parent in securing an interpreter.

#### **3. Parental Consent**

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released; or (b) to the student if he/she is an eligible student, or has entered a post-secondary educational institution.
- B. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed. (34 CFR 9910, Rights of Inspection and Review)

## Students

### Student Records: Confidentiality

5125AR (i)

#### Access to Student Records (continued)

#### 4. Without Parental Consent

- A. No person or agent shall be permitted access to student records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:
- (1) Officials and employees of other public schools or school districts, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to or is directed to enroll. The authority of the district or school to transfer education records to a student's new school continues after actual enrollment so long as the disclosure is in connection with the student's enrollment. This ensures that a school may supplement, update, or correct records sent during the student's application or transfer period. 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.

*Note: Section 504 and Title II of the ADFA generally prohibits post-secondary institutions from making pre-admission inquiries about an applicant's disability status. However, after admission, such institutions may request such information concerning a current student.*

- (2) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, State Education Officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law; provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
- (3) The U.S. Attorney General or his/her designee in response to a court issued ex parte order, under the USA Patriot Act, in connection with the investigation or persecution of an offense listed in U.S.C. 2332b(g)5(B) or an act of domestic or international terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information, nor acquire consent or notice to the parent or student.

## **Students**

### **Student Records: Confidentiality**

**5125AR (j)**

#### **Access to Student Records (continued)**

#### **4. Without Parental Consent (continued)**

- (4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law.
- (5) Parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.
- (6) Schools may disclose information received under a community notification program concerning a student who is required to register as a sex offender in the State.
- (7) Child welfare agencies that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

#### **B. Information from student records may be released to the following:**

- (1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 34 CFR 99.36, Conditions for disclosure of information in health and safety emergencies.
- (2) Agencies or organizations in connection with a student's application form or receipt of financial aid, provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.
- (3) Accrediting organizations in order to carry out their accrediting functions.
- (4) Organizations conducting studies for or on behalf of state educational agencies and state higher education authorities, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

## **Students**

### **Student Records: Confidentiality**

**5125AR (k)**

#### **Access to Student Records** (continued)

#### **4. Without Parental Consent** (continued)

Such disclosure is subject to the following FERPA requirements:

- The school does not have to initiate the research request or agree with or endorse the conclusion or results of the study.
- The school must agree with the purposes of the study and retain control over information from the education records it discloses.

The school must have a written agreement with the receiving organization that:

- Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed.
  - Requires the organization to use the information from education records only to meet the purpose or purposes of the study stated in the agreement.
  - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests.
  - Requires the organization to destroy or return all personally identifiable information when no longer needed for purposes of the study.
  - Specifies the time period in which the information must be returned or destroyed.
- (5) Officials and employees of private schools or school districts where the student is enrolled or intends to enroll subject to the rights of parents by law.
- (6) An agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the education needs of the students and authorized by such agency or organization to receive such disclosure.

## **Students**

### **Student Records: Confidentiality**

**5125AR (I)**

#### **Access to Student Records (continued)**

#### **4. Without Parental Consent (continued)**

- C. No person, persons, agency, or organization permitted access to student records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student's parent; provided, however, that this paragraph shall not be construed to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within the district so long as such persons have an equal legitimate interest in the information.
- D. Education records may be released without consent if all personally identifiable information has been removed. The district must reach a “reasonable determination” that a student’s identity is not personally identifiable because of unique patterns of information about that student, whether through single or multiple releases, taking into account other reasonably available information. Also, de-identified student level data may be released for the purpose of educational research by attaching a code to each record. It may be necessary to look to local news, events, and media coverage in the “school community” in determining, in a highly publicized incident, whether other information would make a particular record personally identifiable even if all direct identifiers have been removed.

#### **5. Court Order**

- A. Information concerning a student shall be furnished in compliance with a court order.
  - (1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any student's records pursuant to a court order, give the parent and the student three days notice, if lawfully possible, within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notice shall be in writing if possible.
  - (2) Only those records related to the specific purpose of the court order shall be disclosed.
  - (3) When a parent is a party to a court proceeding involving child abuse or neglect, or dependency matters, and a judicial order is issued in the context of that proceeding, or pursuant to a lawfully issued subpoena, additional notice to the parent by the educational agency or institution is not required pertaining to the disclosure of the records.



## **Students**

### **Student Records: Confidentiality**

**5125AR (m)**

#### **Access to Student Records (continued)**

##### **5. Court Order (continued)**

- B. The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office.

If it is determined, per the federal regulations, that a third party improperly redisclosed personally identifiable information from education records in violation of 599.33(a), the district may not allow that third party access to personally identifiable information from education records for at least five years.

##### **6. Disclosure to Parents of “Eligible Students” and Rights of Students**

- A. Rights of parents under FERPA transfer to students once the student has reached 18 years of age or is attending a post-secondary institution and thereby becomes an “eligible student.”
- B. Disclosure to parents without student consent after FERPA rights have transferred to students is permitted under the following circumstances:
  - (1) The student is a dependent for Federal income tax purposes.
  - (2) The disclosure is in connection with a health or safety emergency; i.e. knowledge of the information is necessary to protect the health or safety of other individuals.
  - (3) The student has violated a law or the school’s rules or policies governing alcohol or substance abuse.

## Students

### Student Records: Confidentiality

5125AR (n)

#### Access to Student Records (continued)

7. **Disclosure of Information in Health and Safety Emergencies** *(Also see section above)*
  - A. The district may include 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.
  - B. Such appropriate information concerning disciplinary action may be disclosed to teachers and school officials in the district who have been determined to have legitimate educational interests in the behavior of the student. This must be strictly construed.
  - C. Such appropriate information, concerning disciplinary action, may be disclosed to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
  - D. In making a determination, the district or school must take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If a school determines that there is an articulable and significant threat to the safety or health of a student or other individuals, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.
  - E. The district or school is required to record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed. "Appropriate parties" include the parents of an eligible student.
  - F. Pursuant to C.G.S. 19a-581 through 19a-585, confidential information concerning HIV status may not be released to anyone EXCEPT a health care provider with a written release from the parents or eligible student.
8. **Re-disclosure of Educational Records**
  - A. Federal and State officials that receive education records for audits, evaluation, and compliance and enforcement purposes may re-disclose such records under the same conditions that apply to other recipients of education records.
  - B. A state educational agency that received records for audit, evaluation or compliance or enforcement purposes may re-disclose records for other qualifying purposes, such as:
    - (1) Forwarding records to a student's new school district;
    - (2) Forwarding records to another listed official, including the Education Secretary or a post-secondary authority;
    - (3) Forwarding to an accrediting agency; or
    - (4) In connection with a health or safety emergency.

## **Students**

### **Student Records: Confidentiality**

**5125AR (o)**

#### **Access to Student Records (continued)**

#### **9. Criteria**

- A. “School officials and employees” as used in this regulation means district employees and other parties as defined in this regulation.
- B. The following criteria shall be used in determining whether a “school official or employee” has a “legitimate educational interest”.
  - (1) The employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records.
  - (2) The employee has an administrative duty that requires information contained in the student's records.
  - (3) The school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion.
- C. The district and/or school shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records.

#### **10. Access Log**

- 1. A log or record shall be maintained for each student's record, which lists all persons, agencies, or organizations requesting or receiving information from the record.
- 2. Such listing shall include the following:
  - A. Parents or students to whom access is granted.
  - B. Parties to whom directory information is released.
  - C. Parties for whom written consent has been executed by the parent or guardian.
  - D. School officials or employees having a legitimate educational interest.
- 3. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the Office of Education, an administrative head of an education agency as defined in 20 U.S.C. 1232g., and state educational authorities as a means of auditing the school system's operations.

## **Students**

### **Student Records: Confidentiality**

**5125AR (p)**

#### **Challenging Contents of Records**

1. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record.
  - A. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be:
    - (1) Inaccurate, misleading or in violation of the student's rights of privacy.
    - (2) An unsubstantiated personal conclusion or inference.
    - (3) A conclusion or inference outside of the observer's area of competence.
    - (4) Not based on the personal observation of a named person with the time and place of the observation noted.
  - B. Within 30 days of receipt of such request, the Superintendent or designee shall schedule a meeting with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
  - C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
  - D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Education.
    - (1) Within 30 days of receipt of such an appeal, the Board of Education shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. The decision of the Board of Education shall be final; however, the parent has the right to appeal this decision to a hearing panel, the make-up of and process for which is described in section # 2.
    - (2) If the Board of Education sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the student's written records.
    - (3) Records of these administrative proceedings shall be maintained per document retention standards after the decision of the Board of Education unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

## **Students**

### **Student Records: Confidentiality**

**1525AR (q)**

#### **Challenging Contents of Records (continued)**

- E. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the Superintendent, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is corrected or removed.
2. Hearing Panel
- A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel composed of a person or persons with no interest in the outcome of the appeal, provided the parent has given written consent to release information from the relevant student's records to the members of the panel so convened, to assist in making determinations. Appointing the member(s) of the panel is the responsibility of the Superintendent of Schools.
  - B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, his/her parent or guardian, or the certified employee who recorded the information.
  - C. A school administrator appointed to the hearing panel shall serve as Chairperson.
  - D. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certified employee who recorded the information in question, if any, and if such employee is currently employed by the school system. The district will make a reasonable effort to have the former employee appear.
    - (1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.
    - (2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Superintendent and the Board of Education.
  - E. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.
3. Whenever there is included in any student record information concerning any disciplinary action taken by school system personnel in connection with the student, the student's parent or guardian may include in such student's record a written statement or response concerning the disciplinary action.

## **Students**

### **Student Records: Confidentiality**

**1525AR (r)**

#### **Directory Information**

1. The following student information is declared to be directory information:

- A. Name
- B. Address
- C. Telephone number
- D. Parent's name/e-mail address

*Note: FERPA regulations prohibits the use of a Social Security Number (SSN) as an identification element when disclosing or confirming directory information unless the student has provided written consent for the disclosure.*

2. Directory information may be released to the following:

- A. Federal, state and local governmental agencies.
- B. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations.
- C. Employers or prospective employers.
- D. Nonprofit youth organizations as defined by IRS 501 C.3.
- E. Military recruiters or institutions of higher learning that have requested the names, addresses, and telephone numbers of secondary school students unless parental consent is denied.

3. Subject to the provisions of C.G.S. 1-19(b11), high schools shall provide the same directory information and on-campus recruiting opportunities to military recruiters as are offered to nonmilitary recruiters or commercial concerns. (cf. 5145.14 On-Campus Recruitment).

4. The custodian of records will normally limit or deny the release of specific categories of directory information unless she / he determines that such release is required by law or is in the best interests of students.

## **Students**

### **Student Records: Confidentiality**

**5125AR (s)**

#### **Directory Information** (continued)

5. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
  - A. A reasonable deadline will be established during the first month of school after such notice has been given for a parent, guardian, or eligible student to inform the school that the designated information should not be released without specific consent.
  - B. No directory information shall be released regarding any student when a parent, guardian, or eligible student has notified the school that such information shall not be released.
6. Disclosure of directory information on former students is permitted without providing notice or additional opt-out opportunities. A former student's opt-out provided while he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.
7. Opt-out from directory information does not prevent a school from identifying a student by name or from disclosing an electronic identifier or instructional e-mail address in the classroom. A student does not have the right to remain anonymous in class and an opt-out may not be used to impede routine classroom communications and interactions, whether the class is held in a specified physical location or online through electronic communications.

#### **Fee for Reproducing Records**

1. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
2. The Superintendent or Designee annually shall establish a fee schedule.
3. No fee shall
  - A. effectively prevent the parents or guardians from exercising their right to inspect and review student records.
  - B. be charged for searching or retrieving a student's record.

## **Students**

### **Student Records: Confidentiality**

**5125AR (t)**

#### **Transfer of Student Records**

1. Whenever a student transfers to another public school district or to a private or charter school, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
  - A. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district. Per state statute, original Health Records must be sent to the new school; the District retains a copy of these records.
  - B. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new school district or charter school no later than 10 days after receipt of such notification.
3. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
4. All student records shall be updated prior to transfer.
5. Parent Notification when there is no parental release.
  - A. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian to the address on file at that time at the same time it transfers the records. (see standard letter in Appendix)
  - B. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)

#### **Expungement of Records Pertaining to Suspension and/or Expulsion**

##### **1. Suspension**

Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived as permitted by Statute, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.



## **Students**

### **Student Records: Confidentiality**

**5125AR (u)**

### **Expungement of Records Pertaining to Suspension and/or Expulsion** (continued)

If the student has not previously been suspended, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived as permitted by Statute, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If the student has not previously been expelled, and the administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

### **Retention and Destruction of Student Records**

1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's or guardian's prior consent for those students who have not reached the age of eighteen years. Adult students may give consent for themselves.
2. The guide to disposal of municipal records in Connecticut is found in Connecticut General Statutes Section 7-109. For disposal of education records, see Schedule V of "Records Retention Schedules 1982" (Revised 1983) published by the Public Records Administration, Connecticut State Library, Hartford, Connecticut.
3. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

## **Students**

### **Student Records: Confidentiality**

**5125AR (v)**

#### **Subpoenaed Records**

If the school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any court proceeding, the school upon which such subpoena is served may provide a copy thereof, to the clerk of such court. Such clerk shall give a receipt for the same and shall be responsible for the safekeeping of such records, not permitting the removal of such records from the premises of the court. Any such record so provided to the clerk of the court shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena. The record should be appropriately marked as “a true copy”.

No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge.

Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such record indicating that such record or copy is the original record or copy thereof, made in the regular course of such business to make such record and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable time thereafter.

A subpoena directing production of such school or student records shall be served not less than eighteen (18) business hours before the time for production, provided such subpoena shall be valid if served less than eighteen (18) business hours before the time of production if written notice of intent to serve such subpoena has been delivered to the person in charge of such records not less than eighteen business hours (18) nor more than two weeks before such time for production.

#### **Notification of Parents**

1. Parents shall be notified in writing of their rights under this regulation upon the date of the student's initial enrollment, and annually thereafter of students current attendance at the same time as notice is issued. The notice shall be in The Family Guide published by the district and posted on the district website.

## Students

### Student Records: Confidentiality

**5125AR (w)**

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 guardian to student's records.

10-94i Rights and liabilities of surrogate parents.

10-154a Professional communications between teacher or nurse and 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.

46b-56(e) Access to records of minors.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008)

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

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 4155, 5208, and 9528

P.L. 112-278 "The Uninterrupted Scholars Act"

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

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**Series 5000  
Students**

**CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

**I. POLICY**

The Board of Education ("Board") complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education 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. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 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.
- C. 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.
- D. 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.
- E. 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. Directory information 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, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. 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.

- F. 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.
- G. 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.
- H. 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 do 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 on an eligible student (i.e. over 18 or attending a postsecondary educational institution) 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.

I. 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.

[J. *If the district maintains a law enforcement unit, the district should include this definition within the policy.*

***Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.]***

- K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.
- L. 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 1986 is entitled to access to the student's education records without the eligible student's consent.
- M. 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.
- N. 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 special task (such as an attorney, auditor, consultant, therapist, or school resource officer); 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 or her tasks.
- O. 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 and/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 [or **Special Education**] Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students 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**. 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. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

#### **IV. CONFIDENTIALITY OF EDUCATION RECORDS**

- A. All school officials 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 administrative regulations and in a manner 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 or an eligible 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 and/or an eligible 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. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. 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 or eligible student of the date, time, and location where the records may be inspected and reviewed.
- C. The parents or eligible students 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 Board 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.
- F. For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.

- G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) 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 board of education 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 education 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:
1. Divorced 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.
  2. Incarcerated Parents

Nothing in this Policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

- (a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;
- (b) such incarcerated parent has been convicted in Connecticut or any other state sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
- (c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

K. Unaccompanied Youth:

Notwithstanding anything in this Policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the school district. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

L. 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, if a student has been identified as requiring special education and related services, 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. ***[Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for***

*regular education students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records].*

- 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.

*[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the district elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:*

- 3) *The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]*

## **VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS**

- A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational 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.
- B. 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.
- C. 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 student's 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).
- D. 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.
- E. 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 (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, e-mailed, etc.) 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. 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. The Board shall comply with Subsection I of this policy prior to the provision of student records, student information or student-generated content to a consultant or operator, as those terms are defined in Subsection I.
  - 3. Transfer Students:
    - a) 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.
    - b) When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending

school shall transfer the student's records to the new school district.

- c) Upon notification by the Department of Children and Families of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.
- 4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs, so long as the district enters into a written agreement with the authorized representatives conducting the audit or evaluation, which agreement must comply with 34 C.F.R. 99.35(a)(3) and require that the authorized representative protects the confidentiality of personally identifiable student information consistent with FERPA requirements. Such entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
  - 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, (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 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.

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 the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if (1) the data collected will be protected to prevent the personal

identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and (2) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.

17. The disclosure is to an agency caseworker or other representative of the Department of Children and Families (“DCF”) or other child welfare agency or tribal organization who has the right to access a student’s case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such, except to an individual or entity engaged in addressing the student’s educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

#### **D. Directory Information**

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.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for 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. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
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 DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the 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, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board 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.
- I. The Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator. This

contracting requirement applies to any contract entered into, amended or renewed on or after **July 1, 2018**.

1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
2. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall provide electronic notice to any student and the parent or legal guardian of the student affected by the contract. Such notice and the contract shall be posted on the Board's Internet web site. The notice shall:
  - a. Explain that the contract has been executed and the date that such contract was executed;
  - b. Provide a brief description of the contract and the purpose of the contract; and
  - c. Explain what student information, student records or student-generated content may be collected as a result of the contract.
3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to ***[Insert Name and Contact Information]***.
4. For purposes of this subsection, the following definitions are applicable:
  - a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of

such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.

- c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.
- d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.
- e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:
  - 1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;
  - 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
  - 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:
- 1) Improve educational products for adaptive learning purposes and customize student learning;
  - 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and
  - 3) Develop and improve the consultant's or operator's products and services.

## **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, an eligible student, or the parent of an eligible student.
  4. The information is considered directory information.
- C. In the event that the Family Policy Compliance Office 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 time 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.

## **XI. WAIVER OF RIGHTS**

- A. 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 his or her 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 district as a condition of admission to or receipt of any other service or benefit from the district.
  - 4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.

## **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 intellectual disabilities, 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 [reference policy number]

### **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 office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

#### **Legal References:**

##### **State Law:**

Public Act 17-68, An Act Concerning Various Revisions and Additions to the Education Statutes

Public Act 17-194, An Act Concerning Access to Student Records for Certain Unaccompanied Youths

Public Act 17-200, An Act Making Revisions to the Student Data Privacy Act of 2016

Conn. Gen. Stat. § 1-210 *et seq.*

Conn. Gen. Stat. § 10-220h

Conn. Gen. Stat. § 10-15b

Conn. Gen. Stat. § 10-233d

Conn. Gen. Stat. § 10-234aa

Conn. Gen. Stat. § 10-234bb

Conn. Gen. Stat. § 10-234cc

Conn. Gen. Stat. § 10-234dd

Conn. Gen. Stat. § 10-220d  
Conn. Gen. Stat. § 10-253  
Conn. Gen. Stat. § 17-16a  
Conn. Gen. Stat. § 17a-28  
Conn. Gen. Stat. § 17a-101k  
Conn. Gen. Stat. § 19a-581 *et seq.*  
Conn. Gen. Stat. § 46b-134

Regs. Conn. State Agencies § 10-76d-18

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g  
USA Patriot Act of 2001, Pub. L. 107-56  
Every Student Succeeds Act, Pub. L. No. 114-95  
Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296  
The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. 114-95.  
34 CFR 99.1 - 99.67  
34 CFR 300.560-300.576

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.

ADOPTED:\_\_\_\_\_

REVISED:\_\_\_\_\_

8/28/17

***Optional Addition to Confidentiality Policy:*** *The School District may opt for dividing Student Records into the following categories and including these classifications in the Confidentiality Policy. **Note:** The following section is not required by statute, but may be included if desired by the School District.*

## **ADMINISTRATIVE REGULATIONS REGARDING CLASSIFICATION OF EDUCATION RECORDS**

The School District will appoint a Custodian of Records who will ensure that student education records are kept as follows:

### **A. CATEGORY “A” RECORDS:**

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.
2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.
3. All Category A records created by the district shall include the student’s state-assigned student identifier (SASID).
4. Notice of a student’s suspension or expulsion shall be expunged from the student’s cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.
5. \*In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board’s disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student’s cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student’s cumulative record prior to graduation if such student has demonstrated to the Board that the student’s conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student’s cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student’s first suspension or expulsion.
6. Category A records shall include, at a minimum, the following:



<u>RECORD</u>	<u>LOCATION</u>
a. Basic biographical information	Cumulative/Health File
b. Academic achievement (grades/transcripts)	Cumulative File
c. Date of high school graduation or equivalent	Cumulative File
d. Records of immunizations	Cumulative/Health/Pupil Personnel File
e. Attendance records (days absent/present/tardy)	Cumulative File
f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. 10-233c(e) , 10-233d(f) )	Cumulative File

## **B. CATEGORY “B” RECORDS**

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.
2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's education record.
3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Notice of a student’s suspension or expulsion shall be expunged from the student’s cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.
5. \*In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board’s disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student’s cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student’s cumulative record prior to graduation if such student has demonstrated to the Board that the student’s conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from

the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Records containing information pertaining to child abuse/neglect referrals or reports; or containing confidential HIV-related information should be kept separate from the student's cumulative folder, in confidential files.
7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.
8. Information contained in documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential in a central location. Such records shall only be disclosed in accordance with the Board's policy regarding Confidentiality and Access to Education Records.
9. Category B records shall include the following (if applicable):

<u>RECORD</u>	<u>LOCATION</u>
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
a. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File
h. Suspensions/expulsions, which shall include the student's state-assigned student identifier (SASID)	Cumulative File*
i. Parent/eligible student's signed release forms	Cumulative/Health/Pupil Personnel File

<u>RECORD</u>	<u>LOCATION</u>
j. Truancy Records (including record of parent conferences and referrals )	Cumulative File
k. Child Abuse/Neglect Forms	CONFIDENTIAL FILE IN CENTRAL LOCATION
l. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE
m. Awards	Cumulative File
n. Diagnostic test results (non special education)	Cumulative File/Pupil Personnel
o. Extracurricular Activities	Cumulative File
p. Letters of Recommendation	Cumulative File
q. Parent's/Eligible Student's signed release forms (permitting disclosure of records)	Cumulative File/Health/Pupil Personnel File
r. Diploma (if not picked up by student)	Cumulative File
s. Accident Reports	Cumulative File
t. Basic school entrance health histories	Cumulative/Health File
u. Cumulative Health Record (CHR-1, original or copy)	Health File (*copy remains with district/original follows student)
v. Individualized Health Care Plans / Emergency Care Plans	Cumulative/Health/Pupil Personnel File
w. Health Assessment Records (HAR-3)	Health File
x. Incident Reports	Cumulative File
y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID)	Health File

<u>RECORD</u>	<u>LOCATION</u>
z. Parent authorization for medications/treatments	Health File
aa. Physician's orders for medications treatments	Health File
bb. Referral forms for services based on results of mandated screenings	Health/Pupil Personnel File
cc. Sports histories and physical-examination reports	Health File
dd. Nursing Records (Health assessment data; Nursing process notes; 3 <sup>rd</sup> party health records)	Health File
ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law	Cumulative File

**C. CATEGORY "C" RECORDS – SPECIAL EDUCATION**

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.
2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.
3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C shall include (where applicable):

<u>RECORD</u>	<u>LOCATIONS</u>
a. PPT referral forms	Pupil Personnel File
b. School counselor case records	Cumulative/ Pupil Personnel File
c. School psychologists case records	Cumulative/Pupil Personnel File
d. School social-work case records	Cumulative/Pupil Personnel File
e. School speech/language pathology case records	Cumulative/Pupil Personnel File
f. Section 504 Records	Cumulative/Pupil Personnel File
g. Special Education assessment/evaluation reports	Pupil Personnel File
h. Due process records (including complaints, mediations, and hearings)	Pupil Personnel File
i. Individual Transition Plan	Pupil Personnel File
j. Individualized Education Program (“IEP”) Records	Pupil Personnel File
k. Planning and Placement Team (“PPT”) records (including notices, meetings, consent forms)	Pupil Personnel File
l. Individualized Family Service Plans (“IFSPs”)	Pupil Personnel File
m. Incident Reports of Seclusion	Pupil Personnel File
n. Incident Reports of Physical Restraint	Pupil Personnel File

## **D. CATEGORY “D” RECORDS**

1. Category D records must be maintained for minimum retention period specified below.

Category “D” shall include (if applicable):

<u>RECORD</u>	<u>MINIMUM RETENTION REQUIRED</u>	<u>LOCATION</u>
a. Sports Contract/Student Contract (including signature sheet for student handbook)	End of school year in which signed	Cumulative File
b. Permission slips / waivers	3 years	Cumulative File
c. Free/reduced meal application and documentation	3 years	Cumulative File
d. Annual Notification to Parents (Student behavior and Discipline, Bus Conduct, Electronic Communications Systems, and the National School Lunch Program)	1 year	Cumulative File
e. Adult education Registration Records	3 years or until audited, whichever comes first	Cumulative File
f. After school program registration records	1 year	Cumulative File
g. Pesticide application notification registration form	5 years	Cumulative File
h. School registration records including residency documentation	3 years or until audited, whichever comes later	Cumulative File
i. Student portfolio work (student produced work for grading assessment)	End of year in which student received grade	May be Maintained by Individual Teachers
j. Tardy slips from parents/guardians	End of school year	Cumulative File
k. Physician’s Standing orders	Permanent; revise as required. Keep old copy separately.	Health File
l. Student’s emergency information card	Until superseded or student leaves school district	Cumulative/Health File

m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made on school bus (*if maintained by district)	2 weeks	N/A
o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel

#### **E. DURATION OF EDUCATION RECORDS**

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.
2. Records may be maintained for longer periods of time whenever valid cause for the retention of records is shown to the custodian of records.
3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

#### **F. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student's name, gender, or any other information contained in education records.
2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student's education record, all education records containing the student's birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner.

#### **G. RESPONSIBILITY FOR MAINTENANCE OF EDUCATION RECORDS**

1. The Director of Pupil Personnel **[or Special Education]** is the Custodian of Records.
2. In addition, the following personnel are designated as the guardians of records for each of the schools:
  - a. Categories A, B & D: Principal at each school.

- b. Category C: Case Manager at each school.
  - c. With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.
  - d. With respect to child abuse and neglect investigation material, the Superintendent of Schools or designee shall be the guardian of the records.
- 3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.
  - 4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the [\_\_\_\_\_] Public Schools.
  - 5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

ADOPTED:\_\_\_\_\_

REVISED:\_\_\_\_\_

11/28/16



**Model Notification of Rights  
Under FERPA for Elementary and Secondary Institutions**

*[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]*

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal **[or appropriate school official]** a written request that identifies the record(s) they wish to inspect. The principal **[or appropriate school official]** will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violate the student's privacy rights.

Parents or eligible students who wish to ask the District to amend a record should write the school principal **[or appropriate school official]**, clearly identify the part of the record the parents or eligible student want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

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

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A 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 outsourced services or

functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses a student's education record without consent 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 is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Further, and in accordance with state and federal law and guidance, the District may disclose education records to another school for enrollment purposes, which may include exploration of educational placement options by the District or educational placement decisions made by a planning and placement or Section 504 team, or in order to explore placement options for the provision of alternative educational opportunities.

(4) 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 office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

***[Note: In addition, a school district may want to include a directory information public notice, as required by the regulations, 34 CFR § 99.37, with its annual notification of rights under FERPA. The following two paragraphs are recommended for inclusion and must be included in the annual notification if the school district wants to be able to disclose "Directory Information" under II.B of the Student Records Policy:]***

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student, without the consent of a parent or eligible student. 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, the most recent previous school(s) attended and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the

only identifier used when obtaining access to education records or data. 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.

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.

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. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one school year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one school year. 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.

8/28/17

## RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize \_\_\_\_\_ [name of individual who holds the information] \_\_\_\_\_, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning \_\_\_\_\_ [name of protected individual] \_\_\_\_\_, to the following personnel:

- \_\_\_\_\_ 1) School Nurse
- \_\_\_\_\_ 2) School Administrator(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
- \_\_\_\_\_ 3) Student's Teacher(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
- \_\_\_\_\_ 4) Paraprofessional(s)
- \_\_\_\_\_ 5) Director of Pupil Personnel Services
- \_\_\_\_\_ 6) Other(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_

This authorization shall be valid for

- \_\_\_\_\_ 1) The student's stay at \_\_\_\_\_ School.
- \_\_\_\_\_ 2) The current school year.
- \_\_\_\_\_ 3) Other \_\_\_\_\_  
specify period

I provide this information based on my responsibility to consent for the health care of \_\_\_\_\_. I understand that such information shall be held confidential by the persons

authorized here to receive such information, except as otherwise provided by law.

---

[Name]

---

[Relationship to Student]

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[Date]

8/28/17

## TRANSFER OF CONFIDENTIAL STUDENT INFORMATION

Date: \_\_\_\_\_

Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), I hereby authorize the [\_\_\_\_\_] Public Schools to **release** and/or **obtain** (please circle) the following confidential records regarding my child for the purpose of \_\_\_\_\_:

**Name of Child:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DOB:** \_\_\_\_\_

**Parent(s)/Guardian(s):** \_\_\_\_\_

**School:** \_\_\_\_\_

(Please check all that apply)

	<u>Obtain</u>	<u>Release</u>
All Records	<input type="checkbox"/>	<input type="checkbox"/>
Cumulative File	<input type="checkbox"/>	<input type="checkbox"/>
Pupil Personnel/Special Education	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>	<input type="checkbox"/>
Health/Medical*	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To/From: \_\_\_\_\_

Name

Address: \_\_\_\_\_

Street

Town

State/Zip Code

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

I understand that the information to be disclosed is protected as an "education record" under FERPA, and that such information shall not be redisclosed unless permitted under FERPA. I further understand that the officers, employees, and agents of any party that receives protected information under FERPA may use such information only for purposes for which the disclosure is made.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian

\*\*\*\*\*

**\*If this authorization is being used to obtain Protected Health Information from a child's physician or other covered entity under HIPAA, the following section must also be completed:**

I, the undersigned, specifically authorize \_\_\_\_\_ to disclose my child's  
Name of Physician

medical information, as specified above, to my child's school, \_\_\_\_\_,  
Name of School

at the above address for the purposes described below (i.e. health assessment for school entry, special education evaluation etc.):

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By signing below, I agree that a photocopy of this authorization will be valid as the original. This authorization will be valid for a period of one year from the date below. I understand that I may revoke this authorization at any time by notifying the physician's office in writing, but if I do, it will not have any effect on actions taken by the Physician prior to receiving such revocation.

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may no longer be protected by federal privacy regulations.

I understand that my child's treatment or continued treatment with any health care provider or enrollment or eligibility for benefits with any health plan may not be conditioned upon whether or not I sign this authorization and that I may refuse to sign it.

Any information received by the school pursuant to this authorization is subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

\*\*\*\*\*

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian

8/28/17