

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 paper correspondence, 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 individual 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 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.

“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, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Employment records used only in relation to a student’s employment by the District are not considered student records, when: 1) made in the regular course of business; 2) relate exclusively to the individual’s capacity as an employee; and 3) are not available for use for any other purpose. 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: 1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity; 2) made, maintained, or used only in connection with treatment of the student; and 3) Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution

“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.

“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.

3. **“Directory Information”** means information, as identified in this Regulation and contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed.

Students

Student Records; Confidentiality

5125(b)

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

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

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 custodial parent and the noncustodial parent 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 of age 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 serving on the Board of Education, a person or company with whom the district has contracted to perform a special task (including, but not limited to an attorney, auditor, insurance provider, 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 individual 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

Students

Student Records; Confidentiality

5125(c)

- person in the school or community who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
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 any individual who is or has been in attendance in a school.
 11. **“Adult student”** means any individual who is or has been in attendance 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.
 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 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, specifying the records to be disclosed, the purpose of disclosure and the party to whom such records are to 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.
 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

Students

Student Records; Confidentiality

5125(d)

six that addresses the children's cognitive (including language, early literacy, and early mathematics), 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.

Maintenance and Security of Student Records

1. Custodian of Student Records

A. The Director of Special Education is hereby designated as custodian of student records. The address of the custodian (*Brookfield Public Schools, PO Box 5194, 100 Pocono Road, Brookfield, Connecticut 06804*)

- (1) The custodian is charged with district-wide responsibility for implementing Board 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.

B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board 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.

3. Information

A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school principal shall keep on file a record of enrollment for each student currently enrolled in that school.

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 individual professional responsibilities.
- B. Contractors, consultants, volunteers, and other parties to whom a school has outsourced services or functions are considered "school officials" who may have access to student records, without parental consent, if the following conditions are met:
- 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; and
 - 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 school officials are given access to only those education records, paper or electronic, in which the officials have 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.

2. Parents

- A. Parents of currently enrolled or former students have the right during regular business hours to access to 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 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. Access shall be granted within a reasonable period of time, 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 an eligible student.
- 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.

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 professional responsibilities.
- (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.
- (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.
 - (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.

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.
- 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.

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

- A. Rights of parents under FERPA transfer to the student 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 the student 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.

7. Disclosure of Information in Health and Safety Emergencies

- 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 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 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. Confidential information concerning HIV status may not be released to anyone except a health care provider with a written release from the parents.

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.

9. Criteria

- A. "School officials and employees" as used in this regulation means district employees and elected district officers, 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; and/or
 - (2) The employee has an administrative duty that requires information contained in the student's records; and/or
 - (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. The District and its schools may use PINS, passwords, personal security questions, "smart cards" and tokens, biometric indicators, or other factors known or possessed only by the user, as appropriate. **Identification** means determining who is the intended or authorized recipient of the information. **Authentication** means ensuring that the recipient is who the recipient claims to be.

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.

Students

Student Records; Confidentiality

5125(l)

- A. The parent or eligible student may file a written request with the Superintendent to correct or remove any information recorded in the written records concerning the student which the parent or eligible student 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 meet with the parent or guardian or eligible student 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.
 - (1) Within 30 days of receipt of such an appeal, the Board or a duly appointed subcommittee thereof, 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 shall be final.
 - (2) If the Board 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 in a confidential manner and shall be destroyed one year after the decision of the Board unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.
 - 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 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 or the Board may convene a hearing panel upon written request of a parent or eligible student. The hearing shall be provided to afford the

Students
Student Records; Confidentiality

5125(m)

opportunity 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 students. The hearing will be conducted by a person or persons appointed by the Superintendent. 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.

- B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, the student's parent or guardian, or the certified employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.
 - C. If more than one person is appointed by the Superintendent to serve on a hearing panel, the Superintendent shall designate a Chairperson of the panel.
 - 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 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.
 - (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 within a reasonable period of time after the hearing shall be forwarded to the Superintendent or the Board, depending upon who convened the panel.
 - E. If, after the hearing, the District does not make the requested change, the parent or eligible student shall be informed of his/her right to place a statement on the record commenting on the information or stating why he/she disagrees with the record. Whenever the District discloses the record to third parties, any such statement by the parent or eligible students must also be disclosed.
 - F. 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.

Directory Information

1. The following student information is declared to be directory information:
 - A. Name
 - B. Address
 - C. Telephone number
 - D. Date and place of birth
 - E. Major field of study
 - F. Participation in officially recognized activities and sports
 - G. Weight and height of members of athletic teams
 - H. Dates of attendance
 - I. E-mail address
 - J. Parent's name/e-mail address
 - K. Degrees and awards received, including honor roll publication
 - L. Most recent previous public or private school attended by the student
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
 - 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
 - F. Companies that manufacture class rings
 - G. Companies that publish yearbooks.
3. Subject to the provisions of C.G.S. Section 1-210 (b)(11), 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.
4. No information may be released to a private profit-making entity other than employers, prospective employers and representatives of the news media.
5. The names and addresses of students enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided, in accordance with the terms of the law, to a private school or college cooperating under state law.
6. The custodian of records will normally limit or deny the release of specific categories of directory information unless the custodian of records determines that such release is

Students

Student Records; Confidentiality

5125(o)

required by law or is in the best interests of students.

7. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
 - A. The school shall allow a reasonable period of time after such notice has been given for a parent or guardian to inform the custodian of student records that any or all of the information designated should not be released without the eligible student's, parent's or guardian's prior consent.
 - B. No directory information shall be released regarding any student when an eligible student, parent or guardian has notified the school that such information shall not be released.
8. 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 a student in the district must continue to be honored unless specifically rescinded by the former student.
9. 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.

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 and the legitimate educational interests.
2. Such listing need not 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.

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 custodian of student records annually shall recommend a fee schedule for approval by the Board.
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.
 - C. be made for furnishing
 - (1) up to two transcripts of former student's records.
 - (2) up to two verifications of various records of former students.

Transfer of Student Records

1. Whenever a student transfers to another Connecticut public school district or to a 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 permanent student record or a copy thereof. The original or a copy shall be retained by this District.
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. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's permanent student record upon receipt of a written request.
4. Permitted student records may be forwarded.
5. 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.
6. All student records shall be updated prior to transfer.
7. Parent Notification
 - A. If an eligible student or 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 eligible student or parent/guardian at the same time it transfers the records.
 - B. If the student transfers out of state, the custodian of student records shall notify the eligible student or parents or guardian at their last known address of the rights accorded them.

Students

Student Records; Confidentiality

5125(q)

- C. The notification shall include a statement of the eligible student's or parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

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 a form which reasonably notifies parents of the availability of the following specific information:
 - A. The type of student records and information contained therein which are directly related to students and maintained by the school system.
 - B. The position of the person responsible for the maintenance of each type of record.
 - C. The location of the log or record required to be maintained.
 - D. The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest."
 - E. The policies of the school District for reviewing and expunging student records, including the right to inspect and review the student's education records within a reasonable time not to exceed 45 days from the day the school district receives a request. If circumstances effectively prevent the parent, guardian or eligible student from exercising the right to inspect and review the student's education records, the district shall provide a copy of the records requested or make other arrangements for the inspection or review of the requested records.
 - F. The right of the eligible student, parent or guardian to access (inspect and review) to student records.

Notification of Parents

- G. The right to request the amendment of student education records that the parent or eligible student believes are inaccurate or misleading.
- H. The procedures for challenging the content of student records.
- I. The policy that no fee will be charged for up to two copies of a record.
- J. The categories of information which the school district has designated as directory information and that pursuant to federal law, military recruiters and institutions of higher learning may request and receive names, addresses and telephone numbers of all high school students, unless their parents/guardians notify the school, in writing, not to release this information.
- K. The right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school system to comply with the provisions of Section 438 of the Federal Education Provisions Act.
- L. The right of a parent, guardian or eligible student to a hearing regarding the request for amendment of the record if denied by the District.
- M. The right to consent to disclosures of personally identifiable information contained in the student education record, except to the extent that FERPA authorizes disclosure without consent.

Issue/Practice of Peer Grading

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.

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

P.L. 112-278 “The Uninterrupted Scholars Act”

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

Regulation approved: 5/3/2023

Brookfield Public Schools
BROOKFIELD, CONNECTICUT

SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA

**BROOKFIELD PUBLIC SCHOOLS
Brookfield, Connecticut**

Dear Parent or Student:

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) 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 a reasonable period of time not to exceed 45 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/school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate. They should write the school principal or appropriate school official, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading, or otherwise violates the student’s privacy rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent 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 parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before District disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational 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); or a person serving on the Board of Education. A school official may also include a volunteer or contractor outside of the District who performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifiable information from education records. This includes a person or company with whom the District has contracted to perform a special task (including but not limited to attorneys, auditors, medical consultants or therapists); a parent of student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing individual tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill professional responsibilities.

Contractors, consultants, volunteers, 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 consent, subject to following conditions:

- 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; and
- 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.

Upon request, the District will disclose a student’s education record without consent to officials of another school district or charter school or institution of postsecondary education in which the student seeks or intends to enroll or where the student is already enrolled, if the disclosure is for purposes related to the student’s enrollment or transfer.

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:

Office of the Chief Privacy Officer (OCPO)
U.S. Department of Education
400 Maryland Avenue
SW Washington DC 20202-4605

SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA

5. The District has determined that the following information regarding the District's students is not harmful or an invasion of privacy, and therefore will release this information without first obtaining parental consent. If a parent, guardian, person acting as a student's parent in the absence of a parent or guardian, or the student (if 18 or older), does not want the District to release the information listed below, they must notify the District in writing within two weeks of receiving this notice of the information they do not want released.

The following information may be released without obtaining parental consent:

Student's name, parent's name, address, telephone number, electronic mail address, date and place of birth, grade level, major field of study, enrollment status (full-time or part-time), participation in officially recognized activities and sports including audiovisual or photographic records of the openly visible, activities thereof (e.g. artistic performances sporting contests, assemblies, service projects, awards ceremonies, etc.), weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, most recent previous school attended and photographs of regular school activities that do not disclose specific academic information about the child and/or would not be considered harmful or an invasion of privacy.

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

6. Pursuant to federal law, military recruiters and institutions of higher learning may request and receive the names, addresses and telephone numbers of all high school students, unless their parents or guardians notify the school not to release this information. Parents or eligible students must notify the District in writing if you do not want this information released.

Personally identifiable information in the student's records may be released to authorized representatives of the Attorney General of the United States, the U.S. Secretary of Education, or State and local educational authorities such as the Connecticut Department of Education in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs, and 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.

7. Schools may release information received under a community notification program

concerning a student who is required to register as a sex offender in the State, with consent.

8. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent/guardian or eligible student, FERPA regulations require the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.
9. Information may be disclosed from the education records of a student without obtaining prior written consent of the parents or the eligible student in the following situations:
 - a. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
 - b. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
 - c. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
 - d. To accrediting organizations to carry out their accrediting functions.
 - e. To parents of an eligible student if the student is a dependent for IRS tax purposes.
 - f. To comply with a judicial order or lawfully issued subpoena.
 - g. To appropriate officials in connection with a health or safety emergency.
 - h. Information the school has designated as "directory information."
 - i. To child welfare agencies, or tribal organizations that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

**APPLICATION TO REVIEW STUDENT'S RECORDS
AND CONSENT THERETO BY PARENT OR STUDENT**

Brookfield Public Schools
Brookfield, Connecticut

I, _____

have hereby requested access to _____

records for the following reasons:

Said records will not be made available to any other person or persons without the specific written consent of (Parent-Student) _____

DATED: _____

CONSENT

I hereby consent that _____

have access to my child's (to my) records with the understanding that such records will not be released by him/her to other persons without my further consent.

DATED: _____

**APPLICATION TO REVIEW STUDENT'S RECORDS
BY PARTIES ENTITLED THERETO
WITHOUT CONSENT BY PARENT OR STUDENT**

Brookfield Public Schools
Brookfield, Connecticut

I, _____

have hereby requested access to _____

records for the following reasons:

Said records will not be made available to any other person or persons without the specific written

consent of (Parent-Student) _____

DATED: _____

Brookfield PUBLIC SCHOOLS
Brookfield, Connecticut

RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize _____ to release
[name of individual who holds the information]
confidential HIV-related information, as defined in Connecticut General Statute §19a-581,
concerning _____ to the following personnel:
[name of protected individual]

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

Date