

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(a)

**RE: Student Records; Confidentiality
Students**

Approved: 11/10/2015

Revised: 3/20/2018

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.

“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.

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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, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

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 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. A parent who is incarcerated is also 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 in situations (1) where such information is considered privileged as defined by C.G.S. 10-154a, (2) such incarcerated parent has been convicted of sexual assault, or aggravated sexual assault, or (3) such incarcerated parent is prohibited pursuant to a court order.

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Definitions (continued)

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 (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.

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.

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Definitions (continued)

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.
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.

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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. Legal name of student, address, gender of student
 - B. Date of birth, place of birth
 - C. Method of verification of birth date
 - D. Name and address of parent of minor student
 - (1) Address of minor student if different than the above
 - (2) An annual verification of the name and address of the parent and the residence of the student
 - E. Entering and leaving date of each school year and for any summer session or other extra session
 - F. Subjects taken during each year, half-year, summer session, or quarter
 - G. Academic achievement (grades, transcripts)
 - H. Level of academic achievement (class standing/academic level)
 - I. If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
 - J. Verification or exemption from required immunizations
 - K. Date of high school graduation or equivalent
 - L. Student activities and significant awards

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Types of Records (continued)

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 therefor. (Exception from listing, see **Access Log, #2.**)
 - B. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver. (Comprehensive Health Record)
 - C. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
 - D. Language training records.
 - E. Progress slips and/or notices.
 - F. Parental restrictions regarding access to directory information or related stipulations.
 - G. Parent or adult student rejoinders to challenged records and to disciplinary action.
 - H. Parental authorizations or prohibitions of student participation in specific programs.
 - I. 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.

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3. **“Permitted Records”** are those records having clear importance only to the current educational process of the student. Such records may be destroyed after 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. Such records may include the following:
- A. Objective counselor and/or teacher ratings
 - B. Standardized test results older than three years
 - C. Routine discipline data
 - D. Verified reports of relevant behavioral patterns
 - E. All disciplinary notices

Maintenance and Security of Student Records

1. Custodian of Records

- A. Wendy Shepard-Bannish is hereby designated as custodian of student records. The address of the custodian is 1133 Blue Hills Avenue, Bloomfield, CT 06002.
 - (1) The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to student records.

Maintenance and Security of Student Records (continued)

1. Custodian of Records (continued)

- (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 of Education policies and administrative regulations relating to student records maintained in that school.

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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 and scholarship 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 his/her professional responsibility.
- 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:

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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 redisclosure 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 redisclose personally identifiable information without consent unless the district or school has authorized the redisclosure 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.

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Access to Student Records (continued)

2. Parents

- A. Parents of currently enrolled or former students shall have an absolute 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 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. 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)

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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 ADA 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.

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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.

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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.

Note: It is recommended that whenever possible agencies and institutions either release de-identified information or remove student's names and Social Security Numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- (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.

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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.

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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. The copy of the record shall be in the form of a photograph, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof.

Nothing in this regulation shall preclude the district from providing in its discretion statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of students.

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.

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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.
- 8. Redisclosure of Educational Records**
- A. Federal and State officials that receive education records for audits, evaluation, and compliance and enforcement purposes may redisclose 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 redisclose 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.

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Access to Student Records (continued)

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.
 - (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. (Or criteria can be defined by school district)
- 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 he/she 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.
 - 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.

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Challenging Contents of Records (continued)

- (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 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.
 - (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 in a confidential manner and shall be destroyed one year 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.
- 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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(s)

Challenging Contents of Records (continued)

2. Hearing Panel
 - A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel composed of the following persons, 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;
 - (1) The principal of a public school other than the one at which the record is on file.
 - (2) A certified employee appointed by the parent or guardian.
 - (3) A parent appointed by the Superintendent or by the Board of Education, depending upon who convenes the panel.
 - 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, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.
 - C. The Principal 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.
 - (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 or the Board of Education, depending upon who convened the panel.
 - 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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(t)

Challenging Contents of Records (continued)

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

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

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(u)

Challenging Contents of Records (continued)

Directory Information (continued)

- 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.
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. 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 he determines that such release is 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 parent's or guardian's prior consent.
 - B. No directory information shall be released regarding any student when a 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 he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(v)

Challenging Contents of Records (continued)

Directory Information (continued)

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.

Alternate: Limited Disclosure of Directory Information

The District limits its disclosure of directory information to the following, without prior written consent of parent/guardian or eligible student unless the District has been advised to the contrary:

1. Military recruiters or institutions of higher learning. Such disclosure is limited to the student's name, address and telephone listing.
 2. Companies that manufacture class rings.
 3. Companies that publish yearbooks.
 4. Playbills showing a student's role in a drama or vocal production.
 5. Honor roll or other recognition lists.
 6. Graduation programs.
 7. Sports activity sheets.
- Other: _____

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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(w)

Challenging Contents of Records (continued)

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 of Education.
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 Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
 - 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. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(x)

Transfer of Student Records (continued)

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 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 at the same time it transfers the records.
 - B. If the transfer is a within-state transfer, the receiving school shall notify the parents of the record transfer.
 - C. 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)
 - D. The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

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.

If the student has not previously been suspended or expelled, 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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(y)

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

2. Notice of Student Expulsion on Cumulative Record

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 suspended or 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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(z)

Definitions (continued)

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 deliver such record, or at its option 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. The clerk shall notify the school to call for the subpoenaed record when it is no longer needed for use in court. Any such record so delivered 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.

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) hours before the time for production, provided such subpoena shall be valid if served less than eighteen (18) 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 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 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.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(aa)

Notification of Parents

- 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 45 days of the day the school district receives a request. If circumstances effectively present the parent 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 parent or guardian to access (inspect and review) to student records.
- 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 (20 U.S.C.A. 1232g).
- L. The right of a parent 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.
- N. The web site location of Student Data Privacy agreements and privacy statements.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

ADMINISTRATIVE REGULATION

No. 5125(ab)

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. **(AS AMENDED BY PA 17-68, SECTION 4)**

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.

10-234aa-10-234dd Student Data Privacy

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)

SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA**BLOOMFIELD PUBLIC SCHOOLS****Bloomfield, 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 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.

BLOOMFIELD PUBLIC SCHOOLS
BLOOMFIELD, CONNECTICUT
NOTIFICATION OF RIGHTS UNDER FERPA

One exception which permits disclosure without consent is disclosure to school officials, including teachers within the District, 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 (such as an attorney, auditor, medical consultant or therapist); a parent of student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. 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.

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 redisclosure 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 redisclose personally identifiable information without consent unless the District or school has authorized the redisclosure 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. (Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

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
SW Washington DC 20202-4605

BLOOMFIELD PUBLIC SCHOOLS
BLOOMFIELD, CONNECTICUT
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. Please notify the District in writing if you do not want this information released.
7. 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.

BLOOMFIELD PUBLIC SCHOOLS
BLOOMFIELD, CONNECTICUT
NOTIFICATION OF RIGHTS UNDER FERPA

8. 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.
9. 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.
10. 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.

**Bloomfield Public Schools
Bloomfield, Connecticut**

AUTHORIZATION FOR DISCLOSURE OF INFORMATION

I am the parent of the student referenced below, or the student listed below and am at least eighteen (18) years of age or attending a postsecondary institution, and hereby give consent to the school district to disclose to:

_____	for	_____
(Agency/Person)		(Student's Full Name)
_____		_____
(Address)		(Address)
_____		_____
(Phone)		(Phone)

the following information: (Check all that apply)

- General (name, address, phone, birth date, attendance records, progress/report cards, etc.)
- Standardized Test Scores
- Special Education Records:
 - Evaluation/Re-evaluation Reports
 - Individualized Education Program (IEP)
 - Notice of Recommended Educational Placements/Assignments Options Considered Form
 - Psychological Reports
 - Occupational Therapy Reports
 - Physical Therapy Reports
- Medical records, reports, and test results in the possession of the school district
- Discipline Records
- Consultation between the school district and _____
- Other: (Please specify) _____

The purpose of the disclosure being authorized by me is to: _____

Please check here if you are requesting the school district provide you with a copy of the records disclosed.

I understand that my records are protected under Board Policy No. 5125 and accompanying Administrative Regulations to ensure the privacy rights of both parent(s) and eligible students in the collection, maintenance, release and destruction of these records as required by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and will not be disclosed by the school district without my written consent unless required or permitted under applicable law. I also understand that I may revoke this consent at any time, except to the extent that action has been taken in reliance on it. In any event, this consent expires automatically as follows:

(Specification of the date, event, or condition upon which this consent expires)

Signature of parent or eligible student

Date

**Bloomfield Public Schools
Bloomfield, Connecticut**

**NOTIFICATION OF RELEASE OF STUDENT RECORDS
PURSUANT TO COURT ORDER OR SUBPOENA**

TO: _____
Parent - Student

Address

The purpose of this notice is to notify you that on _____ (date), the _____
(school district) released the following documents:

from your child's (your own) student records to:

pursuant to a court order or subpoena, a copy of which is attached hereto.

DATED: _____

Note: 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.

Bloomfield Public Schools
Bloomfield, Connecticut

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

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: _____

Bloomfield Public Schools
Bloomfield, Connecticut

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

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: _____

**Bloomfield Public Schools
Bloomfield, 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



Bloomfield Public Schools

Date

James Thompson, Jr., Ed.D.
SUPERINTENDENT OF SCHOOLS

Re: End of Year Residency

Dear Mr. /Ms. _____

This letter is to inform you that your child(ren), _____ will be dis-enrolled from the Bloomfield Public School System due to non-resident status.

You have the right to request a residency hearing on this matter as provided by the CT General Statute Sec. 10-186. You also have the right to request through your child(ren)'s principal that your child(ren) remain in the Bloomfield Public Schools until the end of the school year. Please be advised that you have the right to request your child(ren) remain in school pending a final hearing decision.

If you acknowledge your child(ren) are not Bloomfield residents, we will permit your child(ren) to complete the school year only if you return the attached letter.

Your request of a hearing or submission of the letter must be received in writing by _____ (date). **Failure to request the hearing or submit the letter will result in the termination of your child(ren)'s enrollment on the aforementioned date.**

Your child(ren)'s cumulative record(s) will be mailed within five (5) business days to the school district in which you reside. You are welcome to submit a written request to receive a copy of this record.

If you have any questions regarding this notice, please contact Cindy Fisher at (860) 286-2622 ext. 2017.

Sincerely,

Cindy Fisher,
Residency Officer
Bloomfield Public Schools

CF/zr

cc:



Bloomfield Public Schools

James Thompson, Jr., Ed.D.
SUPERINTENDENT OF SCHOOLS

OUT LETTER

Date

Re: Residency - R- () and R-()

Dear Ms. / Mr. _____,

This letter is to inform you that your children, _____ and _____ will be dis-enrolled from the Bloomfield Public School System due to non-resident status.

Your child(ren)'s cumulative record(s) will be mailed within five (5) business days to the school district in which you reside. You are welcome to submit a written request to receive a copy of this record. **Please be advised that you have the right to request your child(ren) remain in school pending a final hearing decision.**

You have the right to request a residency hearing on this matter. **Your request must be received in writing by _____ (date). Failure to act will result in the termination of your children's enrollment on the aforementioned date.**

If you have any questions regarding this notice, please contact Cindy Fisher at (860) 286-2622 ext. 2017.

Sincerely,

Cindy Fisher,
Residency Officer
Bloomfield Public Schools

CF/zr

cc:

**Bloomfield Public Schools
Bloomfield, Connecticut**

Student: _____ DOB _____ School _____ Grade _____

Date Record Requested: _____ Date Record Mailed _____

**Protocol for Transfer of Student Records
DISTRICT VERSION**

To ensure that the student record is complete and transferred within five (5) school days after the written request, please identify with a checkmark the items below that are in the record for transfer:

(Please check)

EDUCATIONAL

- ___ Individualized Educational Program (IEP)
- ___ 504 Plan

PSYCHOLOGICAL

- ___ Results from battery of psychological assessments
- ___ Behavior Rating Scales and behavioral observations
- ___ Functional Behavior Assessment
- ___ Behavior Intervention Plan
- ___ Additional data: _____

DEVELOPMENTAL HISTORY

- ___ Family background and/or Developmental history
- ___ Special services (agencies, hospitals, etc.)
- ___ Additional data: _____ \

SPECIALIZED ASSESSMENTS

- ___ Educational Evaluation
- ___ Occupational Therapy
- ___ Physical Therapy
- ___ Speech and Language
- ___ Psychiatric Evaluation

Signature of Director of Support Services: _____

**Bloomfield Public Schools
Bloomfield, Connecticut**

Student: _____ **DOB** _____ **School** _____ **Grade** _____

Date Record Requested: _____ **Date Record Mailed** _____

**Protocol for Transfer of Student Records
SCHOOL VERSION**

To ensure that the student record is complete and transferred within five (5) school days after the written request, please identify with a checkmark the items below that are in the record for transfer:

(Please check)

EDUCATIONAL

- ___ Registration Form
- ___ Birth Certificate (copy)
- ___ Residency Verification
- ___ State Test Results (SBAC, CAPT), Achievement data
- ___ Attendance Report from Power School
- ___ Report Cards with grades
- ___ Home Language Survey
- ___ Photo Release
- ___ Transcripts
- ___ Awards or letters of recommendation
- ___ Disciplinary data
- ___ Pre-referral information, if applicable
- ___ Social and Personal Record
- ___ Additional data: _____

HEALTH

- ___ Results of recent physical examination
- ___ Immunizations
- ___ Health history
- ___ Additional data _____

Signatory of Building Administrator Reviewing

Records: _____

**Bloomfield Public Schools
Bloomfield, Connecticut**

**STUDENT RECORDS: Cumulative Record Contents, Transfer, and Timelines
Procedural Overview**

The Bloomfield Public Schools are responsible to maintain complete and accurate student cumulative records. It is the obligation of the school district to develop, implement, and monitor the procedures used in schools to maintain these records. The intent of this document is to provide directions to schools about:

1. Legally required contents;
2. Destruction timelines;
3. Transfer Protocol; and
4. Process of review by Building Administrators and the Director of Student Support.

Cumulative Record Contents Requirements

This protocol will assist schools to identify the documents required to maintain in the student cumulative record. School Counselors, Principals, Executive Assistants and Clerical staff may use this list to ensure the school meets the requirements specified by the State of Connecticut. More information about cumulative record contents, record retention, and record destruction can be found at <http://www.cslib.org/publicrecords/reteducation.pdf>

All students enrolled in a Bloomfield school must have a cumulative record containing the following items:

1. Report cards with grades and attendance, transcripts (high school only), basic biographical information as recorded on the Registration form, photo release, Home Language Survey, Social and Personal Record;
2. Upon withdrawal from the Bloomfield Schools: attendance records noting days absent, tardy, present from PowerSchool; diagnostic test records (non-special education, such as the PSAT or AIMSWEB data upon withdrawal;
3. If applicable: Awards, Paralegal/signed release forms, Standardized/State test score report; Extracurricular activities and letters of recommendation;
4. Upon graduation: Record of immunizations;
5. Upon graduation: Copy of Diploma;
6. If applicable: Disciplinary Records, such as Detentions, office referrals, suspensions, unusual incident reports, excused absence or tardy letters if provided from parent, expulsion; and
7. If applicable: Special Education pre-referral or referral forms

Building Administrator and Director of Support Services/504 Coordinator will review record in receipt of transfer for adverse residency request prior to student removal.

**Bloomfield Public Schools
Bloomfield, Connecticut**

Student Record Transfer Protocol

The Bloomfield Public Schools are responsible to establish and monitor procedures to ensure that student records are transferred to receiving school districts when students officially enroll in another school district. It is the obligation of the school to implement these procedures to ensure that completed student records are transferred upon request within five (5) school days.

The purpose of the attached worksheet is to provide schools and departments with a systematic protocol to transfer complete and accurate student records in an appropriate timeline in accordance with state regulations.

The following worksheet must be included in the school records when a student record is transferred to another school district.

Please note that the signature of the Building Administrator/Director Support Services is required to verify they have reviewed the file prior to transfer.



James Thompson, Jr., Ed.D.
Superintendent of Schools

Health and special education records must be maintained in separate files. All student records with personally identifiable information must be locked and secured. All student records maintained by the district with personally identifiable information must have an access log that is maintained with the records for the same retention period as required for the record. **When students graduate from high school (i.e., receives a diploma), the high school may discard Grades K-8 report cards.** In addition, any student who is identified as a non-resident must have a completed cumulative record sent to the receiving school district in which the student resides.

Record Destruction

Municipalities/Boards of Education may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are *minimum retention requirements*. Records may be retained for longer periods of time.

Record Destruction Timelines

DOCUMENT	DESTRUCTION TIMELINE
Grades, Report cards, Transcripts, Attendance records: days absent, tardy, present, Basic biographical information	50 years after student leaves the district
Awards (if applicable), Diagnostic test records (non-special education), Parent/legal guardian signed release forms, Standardized and State test scores	6 years after student leaves the district
Extracurricular activities, Letters of recommendation (if applicable)	6 years after student leaves the district
Record of immunizations	50 years after student leaves the district
Diploma	If student fails to pick up diploma, it must be retained 6 years after student leaves the district
Disciplinary records: Detentions, referrals, suspensions, unusual incident reports, excused absence or tardy letters from parent	Destroy at end of each school year
Disciplinary records: Expulsion	see Connecticut General Statutes 10-233c(e) and 10-233d(f)



AGREEMENT BETWEEN
Bloomfield Board of Education
and
[Contractor]

This Agreement ("Agreement") is entered into on this [DATE], between the Bloomfield Board of Education (the "Board") and [CONTRACTOR] ("Contractor") (collectively, the "Parties") for the purpose of identifying the obligations of the Parties relative to the confidentiality of student data.

Article I. Definitions. For purposes of this Agreement, "directory information," "de-identified student information," "personally-identifiable information," "school purposes," "student information," "student records," "student-generated content," and "targeted advertising," shall be as defined by Public Act 16-189. "Education records" shall be defined by the Family Educational Rights and Privacy Act of 1974 ("FERPA"), codified at 20 U.S.C § 1232g (as amended); and its implementing regulations, 34 CFR 99.1 - 99.67 (as amended).

Article II. Purpose of Agreement: The Parties agree that the purpose of this Agreement is to detail the obligations of both Parties relative to the safety and confidentiality of student information, student records and student-generated content (collectively, "student data"), which student data may be provided to the Contractor in connection with Contractor's provision of one or more of the following professional and non-instructional services (check those applicable):

- Medical consultation
- Special education consultation or audit
- Academic program consultation or audit (non-special education)
- Behavior intervention/Positive behavior intervention supports consultation or audit
- Administrative Planning, analysis, or research services
- Student data storage, technology maintenance, collection and/or analysis
- Other (explain):

ARTICLE III. GENERAL PROVISIONS

- A. All student data provided or accessed pursuant to this Agreement is and remains under the control of the Board. All student data are not the property of, or under the control of, the Contractor.
- B. The Board may request that the Contractor delete student data in the Contractor's possession by sending such request to the Contractor by electronic mail. The Contractor will delete the requested student data within two (2) business days of receiving such a request.
- C. The Contractor shall not use student data for any purposes other than those authorized in this Agreement, and may not use student data for any targeted advertising.
- D. If the Contractor receives a request to review student data in the Contractor's possession directly from a student, parent, or guardian, the Contractor agrees to refer that individual to the Board and to notify the Board within two (2) business days of receiving such a request. The Contractor agrees to work cooperatively with the Board to permit a student, parent, or guardian to review personally identifiable information in student data that has been shared with the Contractor, and correct any erroneous information therein, by following the amendment procedures outlined in the Board's Confidentiality and Access to Education Records Policy, 5220.

Article IV. Security and Confidentiality of Student Data. The Contractor and the Board shall ensure that they each comply with the FERPA. Further, the Contractor shall take actions designed to ensure the security and confidentiality of student data, including but not limited to:

- A. Using technologies and methodologies consistent with the guidance issued in the American Recovery and Reinvestment Act of 2009, Public Law 111-5, § 13402(h)(2), 42 U.S.C. § 17932;
- B. Maintaining technical safeguards relating to the possession of education records in a manner consistent with 45 C.F.R. 164.312;

- C. Otherwise meeting or exceeding industry standards relating to the safeguarding of confidential information.
- D. The Contractor shall:
 - Maintain paper records in a secure, locked location.
 - Require all employees with access to student data sign a statement of confidentiality with Bloomfield Public Schools.

Article V. Prohibited Uses of Student Data

- A. The Contractor shall not use student data for any purposes other than those authorized pursuant to this Agreement.
- B. The contractor shall not retain, and the Board shall not otherwise make available, any student data upon completion of the contracted services unless a student, or parent or legal guardian of a student chooses to establish or maintain an electronic account with the Contractor for the purpose of storing student-generated content.

If the Contractor is an operator the following would apply. An operator is defined as "any person who (A) operates an Internet website, online service or mobile application with actual knowledge that such Internet website, 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 website, online service or mobile application, and (B) collects, maintains or uses student information."

- C. During the entire effective period of this Agreement, the Board shall have control of any and all student data provided to or accessed by the Contractor. If a student, parent or guardian requests deletion of student data, the Contractor agrees to notify the Board immediately, but no later than two (2) business days after receiving such a request, and agrees to not delete such student data because it is controlled by the Board. The contractor shall destroy any and all student data within a reasonable period of time if the Board requests the deletion of such student data.
- D. The Contractor shall not collect, store, or use student data or persistent unique identifiers for the purposes other than the furtherance of school purposes, as determined by the Board.
- E. The Contractor shall not sell, rent or trade student data. In the event the Contractor merges or is purchased by another entity, the Contractor must notify the Board in writing and receive written approval from the Board prior to providing for any purpose any student data covered under this Agreement to its successor.

Article VI. Data Breaches

A. Upon the discovery by the Contractor of a breach of security that results in the unauthorized release, disclosure, or acquisition of student data, or the suspicion that such a breach may have occurred, the Contractor shall provide initial notice to the Board as soon as possible, but not more than forty-eight (48) hours after such discovery ("Initial Notice"). The Initial Notice shall be delivered to the Board by electronic mail to breach@blmfld.org and shall include the following information, to the extent known at the time of notification:

1. Date and time of the breach;
2. Names of student(s) whose student data was released, disclosed or acquired;
3. The nature and extent of the breach;
4. The Contractor's proposed plan to investigate and remediate the breach.
5. Copies of police reports if the breach is the result of lost or stolen Board property.

B. Upon discovery by the Contractor of a breach, the Contractor shall conduct an investigation and restore the integrity of its data systems and, without unreasonable delay, but not later than ten (10) days after discovery of the breach, shall provide the Board with a more detailed notice of the breach, including but not limited to the date and time of the breach; name(s) of the student(s) whose student data was released, disclosed or acquired; nature and extent of the breach; and measures taken to ensure that such a breach does not occur in the future.

C. The Contractor agrees to cooperate with the Board with respect to investigation of the breach and to reimburse the Board for costs associated with responding to the breach, including but not limited to the costs relating to notifications as required by Public Act 16-189.

D. Notwithstanding the breach notifications required in this Article, the Contractor shall provide the Board with a copy of the notification that it provides to a student or the parents or guardians of such student pursuant to Public Act 16-189. The copy of such notice shall be provided to the Board by electronic mail on the same date that it is provided to the student or parents or guardians of such student. The Parties agree that the following information shall be included in the Contractor's notice of breach to a student or parent or guardian of a student:

1. Name of the student being notified whose student data was released, disclosed or acquired, which shall not include the names of other students;
2. Date and time of the breach.

Article VIII. Choice of Law, Choice of Forum, Merger, Severability

- A. Choice of Law. The parties agree that this agreement and any disputes arising from or relating to this Agreement, including its formation and validity, shall be governed by the laws of the State of Connecticut.
- B. Choice of Forum. The parties agree that any and all disputes arising from or relating to this Agreement, including its formation and validity, shall be settled in the State of Connecticut.
- C. Amendment. This Agreement may be changed, amended, or superseded, only upon an agreement in writing executed by both parties hereto.
- D. Severability. A court finding of invalidity for any provision of this Agreement does not invalidate other provisions or applications that are not affected by the finding.

This Agreement is effective upon execution by both parties and shall continue until [DATE].

Bloomfield Public Schools

Printed Name: _____

Signature: _____

Title: _____

Date: _____

Contractor

Printed Name: _____

Signature: _____

Title: _____

Date: _____