

**Addison Northeast Supervisory Union and Member School Districts
(Bristol, Lincoln, Monkton, Mt. Abraham Union High, New Haven, Starksboro)
Boards of Directors' Policy**

Policy Area: Students: F9

Policy Subject: **STUDENT RECORDS**

The Addison Northeast Supervisory Union and its member districts recognize the importance of keeping accurate and appropriate education records for students as part of a sound educational program. The information contained in students' education records belongs primarily to the students and/or their parent, parents, or guardians. The school, as trustee of this information, maintains these records for educational purposes to serve the best interest of its students, and subscribes to the following:

The principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure and destruction of educational records. It is the policy of the district to protect the confidentiality of education records and release information only as permitted by law. Education records entrust information to others and as such obligate those others to safeguard and to protect the confidentiality of any personally identified information. Annually or when the student enrolls, the district will inform parents, guardians, and students eighteen years and older of items considered directory information through notices distributed at the beginning of each school year or when a student enrolls.

The Superintendent is responsible for the consistent implementation of this policy on education records for all students in the district. The procedures shall abide by all federal and state laws and regulations governing access to and the collection, maintenance, disclosure and destruction of education records.

Definitions - All terms used in this policy, and the procedures developed for the implementation of this policy, shall be defined, where applicable, as those terms are defined in the Family Educational Rights and Privacy Act and in the federal regulations promulgated pursuant to that Act.

Record - any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Education Record - those records that are 1) directly related to a student, and 2) maintained by the school district, a school within the district, or a party acting for the school district or a school within the school district. It does not include a teacher's notes that are in the teacher's sole possession and shared only with a substitute teacher.

Directory Information includes, but is not limited to, a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Additional information may be released with specific parental consent.

	ANESU	Beeman	Bristol	Lincoln	Monkton	Mt. Abraham	Robinson
Date Warned	4/30/10	4/30/10	5/11/10	5/24/10	4/30/10	6/9/10	4/30/10

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Procedure: Student Records

- I. **Definitions** - For the purposes of this policy, the Addison Northeast Supervisory Union and its member districts will use the following definitions of terms:
 1. **Destruction** - physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 2. **Disclosure** - means to permit access to or release, transfer, or communicate education records including any personally identifiable information, by any means including oral, written or electronic means.
 3. **Education records** - any record (in handwriting, print, tapes, film, computer memory, or other medium) maintained by the Addison Northeast Supervisory Union or an agent of the supervisory union which is directly related to a student, except:
 - a. A personal record kept by a school staff member if it is kept in the sole possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.
 - b. An employment record which is used only in relation to a student's employment by the Addison Northeast Supervisory Union. However, where a currently attending student is employed as a result of his/her status as a student, records relating to that student are education records, and will be treated as such.
 - c. Alumni records which contain information about a student after he or she is no longer in attendance at the supervisory union and the records do not relate to the person as a student.
 - d. Records on an eligible student (see definition below) or a student attending a post secondary institution that are made by a doctor or other recognized professional or para-professional in their professional capacity for purpose of treating student and disclosed only to the individuals providing treatment.
 - e. "Treatment" does not include remedial educational activities or activities that are part of the program's instruction.
 4. **Eligible student** - a student or former student who has reached age 18 or is attending a post-secondary school. An eligible student has the same rights of review, inspection, and consent accorded to a parent.
 5. **Parent** - either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. [School official may request identification.] Full FERPA rights will be accorded to both the custodial and the non- custodial parent unless the supervisory union has received evidence of a court order, state statute or legally binding document relating to divorce, separation or custody that specifically revokes the FERPA rights.
 6. **Personally Identifiable Information** - Education records which may be related to a student by any of the following:
 - a. The student's name;

- b. The name of the student's parent or other family member;
- c. The address of the student or his family;
- d. A personal identifier such as the student's social security number or a student number;
- e. A list of personal characteristics which would make the student's identity easily traceable;
- f. An individual photographic image of the student; or;
- g. The above information or other information which in the discretion of the principal would make the student's identity easily traceable.

7. School Official -

- a. A person employed by the supervisory union as an administrator, supervisor, instructor, or support staff member; or
- b. A person elected to the School Board acting on behalf of the Board; or
- c. A person employed by or under contract to the supervisory union to perform a special task, such as an attorney, auditor, medical consultants or therapists.

8. School Official with Legitimate Educational Interest -

- a. A person performing a task that is specified in his/her position description or by a contract agreement;
- b. A person performing a task related to a student's education;
- c. A person performing a task related to the discipline of a student;
- d. A person providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.

9. **Student** - any person who attends or has attended a school in the Addison Northeast Supervisory Union.

II. RIGHTS AND PROCEDURES RELATING TO INSPECTION OF EDUCATION RECORDS:

1. Right to Inspect and Review Education Records:

- a. Parents of students, eligible students, and students have the right to inspect and review the student's education records upon request, except as discussed below.
- b. The right to inspect and review includes the right to a response from the supervisory union to reasonable requests for an explanation and interpretation of the record. Where the record relates to State Assistance for the education of handicapped children, the parent has the right to have a representative of the parent inspect and review the record.
- c. At the time a student turns 18 years of age, and thereby becomes an eligible student, the rights of inspection and review previously accorded the parents are transferred to the eligible student and shall be accorded only to the eligible student, except as provided herein. Parents of eligible students shall continue to have the right to inspect and review their child's educational records as long as the student remains a "dependent" as defined by section 152 of the Internal Revenue Code of 1954.
- d. The school principal at his or her discretion may extend additional rights of inspection and review of student records to parents, eligible students and

students as long as such an extension does not violate eligible student's rights or parent's legal rights.

2. Procedure for Record Inspection:

- a. Parent(s), the eligible student, or the student may be required to submit to the student's school principal (or his/her designee) a written request which identifies as precisely as possible the record or records he or she wishes to inspect and review.
- b. The principal or other appropriate school official will make the needed arrangements for access as promptly as possible and notify the parent(s) of the eligible student or student who is making the request of the time and place where the records may be inspected. The records will be inspected and reviewed in the presence of a designated school official. All reasonable efforts will be made to provide access within 5 working days or less from the receipt of the request, but in not more than 45 days, unless the supervisory union has been provided with evidence of a court order, state statute, or legally binding document relating to divorce, separation or custody which specifically revokes a parent's rights under the Act.
- c. In the event the request to inspect and review records is made prior to a meeting regarding the individualized education program or hearing relating to the identification, evaluation or placement of a child, the supervisory union will comply with the request without unnecessary delay and before the meeting or hearing occurs. In the event the request to inspect and review regards the identification, evaluation and placement of a child, any request for records should be submitted 15 days before the scheduled meeting or hearing.
- d. When a record contains information about a student(s) other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to the other student(s).

(NOTE: Beware of the potential inconsistency between the timely granting of a request for records and the holding of a meeting within 30 days of a determination that a child needs special education and related services. If an IEP meeting is scheduled upon the determination that a child has special education needs, and a request for records is made, you must make all efforts to grant the request or have the parents agree to a postponement of the meeting.)

- e. Once a request has been made to review an education record, the supervisory union will not destroy that education record until the request to review has been addressed and the procedure set out in part X below followed.

3. Refusal to Provide Copies –

NOTE: With an understanding that it cannot deny parents access to their children's records, a school district is required to describe the circumstances in which it may deny parents a copy of a student's education record.

The Addison Northeast Supervisory Union will provide copies of records upon request, except for portions of records including standardized test questions and information regarding other students, at a fee reflecting the cost of copying and postage. Copies will be provided at no charge if the fee will effectively prevent the parent or

eligible student from exercising the right to inspect and review the student's education record.

4. Fees for Copies of Records:

The fee for copies will be \$.20/page and may be adjusted as needed to reflect actual costs. There will be no charge for the first three copies of transcripts and supporting material for college admissions or employment purposes. Thereafter, charges for transcripts and related material will be \$2.00 per request.

NOTE: A supervisory union may not charge for search and retrieval of the records; however, it may charge for copying time and postage.

III. ANNUAL NOTIFICATION OF FERPA RIGHTS:

NOTE: A school district is required by FERPA regulations to provide parents annual notification of their FERPA rights. If parents have a primary or home language other than English, the district must effectively notify them. Policy (procedure) must include the method it will use to inform parents.

Method of Notification:

Eligible students and parents of students, currently attending a school or schools in the supervisory union, will be notified of their FERPA rights annually by publication of the Annual Notice in the individual school's Student Handbooks and/or by inclusion of the Notice each September in the schools' parent communication (memo, newsletter).

IV. TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS:

The supervisory union will provide to parents, upon request, a list of the types and locations of education records collected, maintained or used by the agency.

<u>Location</u>	<u>Custodian</u>	<u>Types</u>
Mt. Abraham Union High School Registrar's Office 220 Airport Drive Bristol, VT 05443	Principal	Cumulative School Records Academic Records Personal Records Special Ed. Records Compensatory Ed. Records Attendance Records Anecdotal Records Health Records Student Discipline and Conduct Correspondence Extra Curricular Records Occasional Records
Bristol Elementary School 57 Mountain Street Bristol, Vermont 05443	Principal	" "
Lincoln Community School 795 East River Road Lincoln, VT 05443	Principal	" "
Monkton Central School 1036 Monkton Road Monkton, VT 05469	Principal	" "
Beeman Elementary School 50 North Street New Haven, VT 05472	Principal	" "
Robinson Elementary School 41 Parsonage Road Starksboro, VT 05487	Principal	" "
Supervisory Union Offices Addison Northeast Sup. Union 72 Munsill Avenue, Suite 601	Superintendent	" "

Bristol, VT 05443

V. DISCLOSURE OF EDUCATION RECORDS:

1. Limited Disclosure of Personally Identifiable Information Without Consent:

The Addison Northeast Supervisory Union will disclose personally identifiable information from a student's education records only with the written consent of the parent or eligible student, except:

- a. to school officials who have a legitimate educational interest in the records; (NOTE: The supervisory union is required to specify the criteria for school officials and for legitimate educational interests, see definitions.);
- b. to officials of another school in which a student seeks or intends to enroll upon written request of such official. Upon request, the parent or eligible student may obtain a copy of the disclosed record;
- c. to authorized representatives of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with the audit, evaluation or compliance with legal requirements of state federally supported education programs.
- d. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- e. if required by a state law requiring disclosure that was adopted after November 19, 1974;
- f. if this reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed shall certify in writing to the District that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student;
- g. to organizations conducting certain studies for or on behalf of the educational agencies or institution to develop or administer predictive tests, administer student aid programs or improve instruction. The supervisory union will only disclose information if the study does not allow personal identification of the student, or the parents except to representatives of the organization conducting the study and the information is destroyed when it no longer has value for the purposes of the study;
- h. to parents of an eligible student who claim the student as a dependent for income tax purposes as defined by Section 152 of the Internal Revenue Code of 1954;
- i. purposes to comply with a judicial order or a lawfully issued subpoena only after having made a reasonable effort to notify the parent(s) or eligible student of the order or subpoena, except when the subpoena specifies otherwise;
- j. to the court when the supervisory union initiates legal action against a parent or student, as long as the student's education records are relevant to the action and a reasonable effort is made to notify the parent or eligible student in advance of the release;
- k. to appropriate parties in a health or safety emergency where knowledge of information is necessary to protect health and safety of the student or other individuals;
- l. disclosure of Directory Information as designated by the supervisory union - See Part VI, 1, below for designated Directory Information;
- m. to the parent of a student who is not an eligible student or to the student;

2. Notice to Receiving Party of Limitations on Re-Disclosure: Whenever personally identifiable information is released under Sections a - m above, the receiving party will receive notice of the limitations on redisclosure of information as described in Part VIII.
3. Disclosure to other Educational Institutions or Agencies:
 - a. If the supervisory union is going to disclose personally identifiable information regarding a student to officials of another school, school system or post secondary institution where the student seeks or intends to enroll, the supervisory union shall:
 - i. upon request, give parent or eligible student a copy of the record disclosed; and
 - ii. give parent or eligible student, upon request, an opportunity for a hearing under Part IX of the supervisory union's Student Records Procedure.
 - b. The supervisory union may disclose an education record of an attending student to another educational agency or institution if the student is enrolled or receives services from the other agency or institution and the disclosure is in accordance with paragraph one above.
4. Disclosure to Federal and State Authorized Representatives:

When the supervisory union collects and discloses information under Part V(1)(c) above of this procedure to such authorized representatives for the purposes of auditing, evaluating or ensuring legal compliance of Federal or State supported education programs, only the authorized representatives may have access to personally identifiable information and they will destroy the information when it is no longer needed for said purposes, unless the parent or eligible student has given prior consent or the collection of personally identifiable information is authorized by federal law.

VI. DESIGNATION OF DIRECTORY INFORMATION AND ITS DISCLOSURE

1. Designation of Directory Information:

Addison Northeast Supervisory Union designates the following information as Directory Information regarding individual students: student name, address, telephone number, date of birth, gender, weight and height of members of athletic teams, participation in activities recognized by supervisory union, dates of attendance, degrees and awards received, yearbook pictures, and information, class pictures, most recent previous school attended and the school to where the student transferred, if applicable. This information may be disclosed at the discretion of the school principal or director of guidance. Lists of student names or other information will not be made available as Directory Information, except to a specific school PTO or class PTO designee (e.g. room mother) also at the discretion of the Principal.
2. Disclosure of Directory Information:
 - a. The supervisory union will give public notice to parents of attending students and eligible students of the types of personally identifiable information which the supervisory union has designated as Directory Information.

- b. The supervisory union will notify parents and eligible students of their right to refuse to allow the District to designate any or all of that information as Directory Information as to that student.
- c. The supervisory union will notify parents or eligible students that they have 10 working days from the date of distribution of the student handbook or date of enrollment, whichever comes later, to notify the principal of the students' school, in writing, of the information about the student which should not be designated as Directory Information.
- d. Once the supervisory union has complied with paragraphs a through c, and if it has not timely received written notification from the parent(s) or eligible student limiting disclosure, the District may disclose Directory Information at the discretion of the school principal or director of guidance, without the prior written consent of the parent(s) or eligible student.
- e. The supervisory union need not comply with the above paragraphs to exercise its discretion to disclose Directory Information about former students.

VII. RECORD OF REQUESTS FOR DISCLOSURE OF RECORDS

- 1. Maintenance of Record of Requests for Records Disclosure:
 - a. The Addison Northeast Supervisory Union will maintain a record of all requests for and/or disclosure of information from a student's education records, except requests for and/or disclosure of information to the parent(s) or student, a school official, or requests for Directory Information. The record will indicate the name of the party making the request; any additional parties to whom the information may be disclosed, including the additional parties' legitimate interests in obtaining the information- and the legitimate interest the requesting party had in obtaining the information. The date of the granting or denial will also be indicated.
 - b. The Records of Requests may be reviewed by the parents or student, the school official responsible for custody of the records, school officials with legitimate educational interests and officials involved in the auditing and/ evaluation of State and Federal Funded Programs.
 - c. The supervisory union will maintain the Records of Requests with the student's other educational records as long as the educational records are maintained by the District.

VIII. LIMITATIONS APPLICABLE TO DISCLOSURE AND REDISCLOSURE OF INFORMATION

- 1. The supervisory union, when it discloses personally identifiable information from an education record (other than to a parent, student or eligible student or Directory Information) makes such disclosure conditional on the request party's agreement not to disclose the information to any other party without the prior consent of the parent or eligible student except as stated below. School Officials who receive personally identifiable information will be notified of their obligation not to redisclose such information without prior written consent of parent or eligible student.
- 2. Paragraph one above does not prevent the supervisory union from disclosing personally identifiable information to a parent which may make further disclosure of such information on behalf of the

supervisory union if the disclosure meets the requirements of Part V of this Procedure and the supervisory union complies with the following procedures:

- a. The Record of Request must contain the names of the additional parties to which the receiving party may disclose the information. and
- b. The legitimate interests under which each of the additional parties has in requesting or obtaining the information.

IX. AMENDMENT OF EDUCATION RECORDS

This procedure is not designed to be used to challenge the accuracy of grades awarded for course work.

1. Right to Request Amendment of Education Records:
Parents or eligible students have the right to request an amendment of student records that they believe are inaccurate misleading, or in violation of their privacy rights or other rights.
2. Procedure for Amending Education Records:
 - a. Parents or the eligible student must request, in writing, that the Addison Northeast Supervisory Union amend their student's records. In so doing, they should identify the part of their record that they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights. The principal of the school attended by the student will meet with the complaining parent(s) or eligible student within ten (10) working days of receipt of the request and will issue a written reply within five (5) working days of the meeting. *[Note: any request to amend a special education record must be coordinated through the ANESU Coordinator of Special Education.]*
 - b. The principal may or may not comply with the request. If he/she agrees with the request, he/she will amend the student record in a timely manner and so notify the parent or eligible student. If he/she decides not to comply, then he/she will notify the parents or eligible student in writing of the decision and advise them of the right to a full and fair hearing, including the opportunity to be represented by counsel or other individuals at their own expense and present relevant evidence, to challenge the information believed to be inaccurate, misleading or in violation of the student's rights. Rather than pursue a hearing, if the principal and the parent(s) or eligible student agree, an explanatory note added to the student record may be a satisfactory remedy. Such an explanatory note will accompany any disclosure of the contested portion of the record. However, if the District and the parent(s) or eligible student cannot agree that the explanatory note is an appropriate remedy, then the parties must exhaust the hearing process before the note is added to the record.
 - c. Upon the parent(s) or eligible student's dated, written request for a hearing to the Assistant Superintendent of the Addison Northeast Supervisory Union, 15 Orchard Terrace Park, Suite 10, Bristol, VT, 05443, the Superintendent will arrange for the hearing, and notify the parent(s) or eligible student, in writing and reasonably in advance of the date, place, and time of the hearing to challenge information in education records alleged to be inaccurate, misleading or otherwise in violation of privacy or other rights of the child. The hearing will be conducted by the Superintendent who must be a disinterested party. If the Superintendent is not a

disinterested party, the hearing will be conducted by the Assistant Superintendent. The parent(s) or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.

The parent(s) or eligible student may be assisted by one or more individuals, including an attorney at their own expense.

- d. The Superintendent (Assistant Superintendent) will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented, the reason for the decision and will be issued in a reasonable period of time after the hearing. If the Superintendent (Assistant Superintendent) decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, he/she will amend the records and notify the parent(s) or eligible student, in writing, that the record has been amended. If the Superintendent (Assistant Superintendent) decides that the challenged information is accurate, not misleading, or does not, within the provisions of the Family Educational Rights and Privacy Act (FERPA), the Education of the Handicapped Act (EHA-B), or other applicable law and procedures, violate the student's privacy or other rights, he/she will notify the parent(s) or eligible student that they have a right to place in the record a statement setting forth his/her or their reasons for disagreeing with the decision. The statement described above will be maintained as part of the student's education records as long as the contested portion is maintained. If the Addison Northeast Supervisory Union discloses the contested portion of the records, it will also disclose the statement.

X. DESTRUCTION OF EDUCATION RECORDS

1. Records Which Must be Retained:
 - a. For any student ever enrolled in school in the Addison Northeast Supervisory Union, the supervisory union shall maintain without time limitation the following information:
 - i. Name, Vermont Education Rule 2193
 - ii. Academic record, Vermont Education Rule 2193 c)
 - iii. Date of birth,
 - iv. The record of access shall be maintained as long as the education record to which it pertains is maintained.
 - b. If any portion of maintained record was contested at a hearing and an explanatory note relating to that maintained record exists, that note must be maintained as long as the contested portion of record is maintained and disclosed with the contested record.
 - c. Destruction of record form for students with Handicapping Conditions,
2. Retention of Records Relating to Activities Using Grants or Subfunds: The Addison Northeast Supervisory Union shall retain records for five years after completion of the activity for which they use grant or subfunds.
3. Notification of Parents of Handicapped Children of Destruction of Records: The Addison Northeast Supervisory Union shall inform the parent of a handicapped student or eligible handicapped student when personally identifiable information is no longer needed to provide

educational services to the student, and their right to request the destruction of such records. Upon such a request the parent or eligible handicapped student should be advised that certain selected information may be needed later for other purposes such as social security benefits. The District shall comply with such requests except that it shall retain a record to the extent listed in 1 above.

NOTE: The determination of whether an education record is no longer needed to provide educational services to the student is a potential issue for an EHA-B due process hearing.

4. Mandatory Destruction of the Education Records: Except as provided for in Part 3 above, the Addison Northeast Supervisory Union shall destroy within 7 years from the date the student reaches age 21 or from the date of graduation, whichever occurs first:

- Psychological reports, medical reports,
- in-school reports and forms, discipline reports,
- court reports, anecdotal reports, recommendations.

5. Discretionary Destruction of Records: The Addison Northeast Supervisory Union may destroy, at its discretion, any information in the education record, not noted in 1 or 2 above and after complying with part 3 above, unless there is an outstanding request for inspection, review, or a copy of that record.

XI. SAFEGUARDS

1. Procedures to Protect Confidentiality:

- a. The supervisory union appoints the individual school principals to assume responsibility for insuring the confidentiality of any personally identifiable information.
- b. The Superintendent, or his designee, will insure that all persons collecting or using personally identifiable information are trained or instructed in this policy and procedure.
- c. The supervisory union, by and through its school principals, will maintain for public inspection a current listing of names and positions of those supervisory union employees who have access to personally identifiable information.