

Milton Town School District

Policy

F5: STUDENT RECORDS

Policy

The Milton Town School District recognizes the importance of keeping accurate and appropriate education records for students as part of a sound educational program and is committed to act as trustee of this information, maintaining these records for educational purposes to serve the best interests of its students. The information contained in students' education records belongs primarily to the students and/or their parent(s), or guardians.

The principle of confidentiality underlies all policies and procedures for the collection, maintenance, disclosure and destruction of educational records. The building Instructional Leader/Principal will be the legal custodian of all student records in a given school. The Superintendent has overall responsibility for school records throughout the District and for assuring that adequate systems are in place to maintain such records.

Definitions

1. ***Other school official determined to have legitimate educational interests*** means a person who needs to review a student's education record or receive information there from in order to fulfill his or her employment or official responsibilities and who is:
 - A person employed by the Milton Town School District as an administrator, supervisor, educator or substitute therefore, paraprofessional or support staff member, including tutorial, health, law enforcement, custodial, transportation, nutrition, athletic, extra-or co-curricular, clerical or other support staff;
 - A member of the Milton Board of School Trustees;
 - A person or company with whom the Milton Town School District has contracted to perform a special task, including an attorney, auditor, medical consultant, therapist, evaluator;
 - A volunteer assisting another school official in the performance of his or her tasks; and
 - Any other person designated by the Milton Board of School Trustees or Principal of any school within the Milton Town School District to have legitimate educational interests.
2. ***Directory information.*** The school will release directory information without prior written consent unless the parent or guardian or eligible student informs the Principal in writing that any or all of the information designated below should not be released without prior consent.
 - Student's name, address, date of birth, dates of enrollment;
 - Parent or guardian's name and address;
 - Student's grade level classification;

- Student's participation in recognized school activities and sports;
- Weight and height of member of athletic teams;
- Student's diplomas, certificates, awards and honors received.

NOTE: FERPA regulations permit the identification as directory information any "information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." The above list is, therefore, suggestive.

Implementation

The Superintendent is responsible for developing procedures to assure the consistent implementation of this policy. The procedures shall comply with all federal and state laws and regulations governing the collection, maintenance, disclosure and destruction of education records.

1. **Parental Notification.** Annually, the school will notify parents or guardians of students currently in attendance and eligible students (age 18 and over) currently in attendance of their rights under the Family Educational Rights and Privacy Act (FERPA) of 1974. Notice will be given in a manner outlined by the Superintendent and likely to inform parents or guardians and eligible students of their rights. The notice will include a statement that the parent or guardian or eligible student has a right to:
 - Inspect and review the student's education records;
 - Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 - Consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that the Act authorizes disclosure without consent;
 - File with the U.S. Department of Education a complaint concerning alleged failures by the school to comply with requirements of the Act; and
 - Obtain a copy of the school's policy and written procedures or protocols related to student records.

2. **Notification to Parents Required by the No Child Left Behind Act**
 - Parents of students attending grades 9-12 and eligible students shall be notified annually that the No Child Left Behind Act requires the release of a student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. In accord with the Act, parents or eligible students will further be notified that they may request that the district not release this information, and the district will comply with the request.
 - Parents shall be notified annually if the district has or adopts a policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to

others for that purpose, including arrangements to protect student privacy in the event of such collection, disclosure or use.

3. Release/Review of Student Information

- Disclosure of student information will be made only with the written consent of the parent or guardian or eligible student subject to the following exceptions:
 - Information may be disclosed to officials of the school in which the student is enrolled who have a legitimate educational interest in the records and require the information to adequately carry out their jobs;
 - Information may be disclosed upon request to officials of a school in which the student seeks or intends to enroll;
 - Under court order or subpoena;
 - To individuals seeking Directory Information: see definitions
 - In connection with a student's request for financial aid;
 - To appropriate parties in a health or safety emergency.
- Parents or guardians of students or eligible students may inspect and review the student's records upon request. Parents or guardians should submit requests to the Principal in writing specifying as precisely as possible the information he or she wishes to inspect. The Principal will make appropriate arrangements to meet with the parent(s) or guardian(s) for such inspection according to procedures developed by the school's administration.

If an eligible student or parent or guardian believes the education records contain information that is inaccurate, misleading or in violation of any of the student's rights, s/he may request the building Principal to amend the record. If the building Principal decides not to amend the record as requested, the student or parent or guardian may appeal using the District's general appeal process.

- Non-custodial Parents: Access to a student's school records shall not be denied to a parent solely because that parent has not been awarded parental rights and responsibilities by a court. However, access will be denied where a court order or other legally binding document specifically revokes a parent's right of access to such records.
- Each contract entered into between the Milton Town School District and persons or entities who may either receive a student's education records or personally identifiable information shall contain a provision setting forth the restrictions on re-disclosure of information from education records.
- The School District will maintain a record of all requests for and/or disclosures of information from a student's records according to the school's procedures. The

District will record, also, all requests for amendment of the record and the disposition of the request(s).

4. **Juvenile Court Records.** The Family Court is required to inform in writing the Superintendent of the District in which a student is enrolled within seven days of a court finding that the student has committed a delinquent act requiring notice.
 - Sharing of Information. The Superintendent shall inform only those for whom the information is necessary for the rehabilitation program of the child or for the protection of staff or students, and only after first evaluating rehabilitation and protection measures that do not involve informing staff or students. “Need to know” should be narrowly and strictly interpreted. Persons receiving this information shall not discuss the information with anyone except the Superintendent, the child, the child’s parent or guardian, law enforcement personnel, the student’s probation officer or others who have been similarly informed.
 - Maintenance of Records. The notice from the Family Court shall be maintained by the Superintendent in a file separate from the student’s education record. Upon the graduation of the student or when the student turns 18, the Superintendent shall destroy the record. If a student transfers to another public or private school, the Superintendent shall forward the written notice in the original marked envelope to the Superintendent or headmaster of the school to which the student is transferring.
 - Transfer of Records. When a student transfers to another school or school district, all student records shall be forwarded.
 - Staff Training. Annually, the Superintendent shall ensure that training is provided to each member of the School Board and staff concerning his or her responsibilities to maintain the confidentiality of information from student education records consistent with the Family Educational Rights and Privacy Act. Such training shall be tailored to the scope of the staff or Board member’s duties and, as appropriate, include presentation of information on:
 - The maintenance and storage of education records;
 - Record keeping requirements regarding disclosure of a student’s education records;
 - The potential penalties both to the staff member and the school for inappropriate disclosure of a student’s education record or personally identifiable information there from
 - The definitions of “record,” “education record,” “directory of information,” and “personally identifiable information” under federal law;
 - Where to receive advice and direction in circumstances where the Board or staff member’s responsibilities in this regard are unclear; and

- The penalties for violation of the rules of confidentiality set forth in Vermont law.

Date Warned: December 2, 2005
Date Adopted: December 15, 2005
Legal Reference(s): 20 U.S.C. §§1232f-1232j (*Federal Family Educational Rights and Privacy Act of 1974*)
20 U.S.C. § 7908 (*NCLBA Armed Forces Recruiter/Higher Education Access*)
34 C.F.R. Part 99
1 V.S.A. §317 (*Definitions*)
15 V.S.A. §670 (*Non-custodial parents*)
33 V.S.A. §5536a (*Juvenile court records*)
VT State Board of Education Manual of Rules and Practices §2120.8.3.3