

# Community Relations

## Access to School District Public Records

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### Confidentiality and Records

The confidentiality and maintenance of records pertaining to staff and students will be governed by Board of Education regulations unless contradicted by state or federal law, in which case, state and/or federal laws take precedence.

**Definition of “Record”:** a “record” shall be anything concerning students or staff which is maintained in writing, on film, discs or tape which others may see or hear.

Private "working" notes are not part of a pupil record until they are made available to another person. At such time they automatically are part of a pupil's record and subject to the regulations governing such records.

### **Right to Privacy and the Collection of Data**

Individuals have a right to privacy. Therefore, the records maintained by the school system will be those required by law or necessary for operation of the school system.

The following school pupil records will be maintained and are not public records:

1. Student academic and test record
2. Permanent record
3. Psychological/psychiatric report
4. Social Work case record
5. Health record
6. Planning and Placement Team record

These records are restricted in their availability.

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### The following individuals have access to pupil records:

1. professional school staff - limited right to access related to their responsibility in regard to a given pupil;
2. the student - upon reaching the age of majority or attending a post-secondary institution;
3. the parent or guardian - has the right to one free copy of anything in their child's record;
4. other parties - upon written authorization by the parent, guardian, or adult student (at the age of majority);
5. by statute or court order - records may be accessed by a third party.

The disclosure of information contained in pupil personnel and student development records would constitute an invasion of privacy if such disclosure is made without the informed consent of the adult student or his parent. Therefore, access to this information will be controlled as follows:

### Parent

These records are available to the parent (or student if now an adult), or upon written authorization by the parent (or student if now an adult) to agencies or schools, attorneys, et al. The parent has a right to view the record. A qualified staff member must be present to interpret and explain the contents of the record. Records may be transferred to an agency or institution that requests the records and in which the student seeks or intends to enroll without written permission only after reasonable attempts to notify the parent or eligible student at the last known address have been made and documented. Per Buckley amendment 99-31a.

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### Staff Members:

<u>Record</u>	<u>Custodian of the Record</u>
Permanent record	Principal
School psychological reports	Principal
Social Work reports and clinical studies	Principal
Health record	Principal
Local Planning and Placement Team record	Principal
Central Planning and Placement Team record	Director of Pupil Personnel Services

The custodian keeps the record in a locked file and determines the appropriate personnel with whom the record can be shared.

### Courts

The courts may obtain records by subpoena. Usually a subpoena is not needed, since the parents sign a release when a juvenile court probation officer requests information for a hearing. We shall provide such information by law even if there is no signed release.

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## **Agencies:**

Governmental agencies, e.g. C.I.A. and F.B.I., do not have access to records nor to information derived from the record without written authorization by the parent or student if now an adult.

## **Employers:**

Prospective employers may obtain information only after a request has been received from the parent or student. In the case of employers cooperating in work experience programs, confidential information will be shared upon written permission from the parent or student, if now an adult (form provided).

## **Life of a Record:**

Each type of pupil record has a "useful life" and must be main-streamed for that time period. After this, it will be destroyed. The policy is as follows:

Permanent records (academic, basic, biographical)	50 years after record becomes inactive
Educational diagnostic material	Six years after the record becomes inactive
Psychological psychiatric report	50 years after record becomes inactive
Social Work case records	Six years after the record becomes inactive
Health record	Six years after the record becomes inactive
Planning and Placement Team	Six years after the record becomes inactive

Parents are informed by the district when confidential information is no longer needed. They are advised that they may request destruction of this information.

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### **Transfer of Records:**

Upon registration, the parent submits forms authorizing the transfer of both basic permanent and confidential records (if applicable) from the schools previously attended.

Intra-system transfers require providing school records to the receiving school. Confidential Student Development Services records should be carried to the receiving principal.

Upon transfer to another school system, the parent signs release of information forms for confidential Student Development Service materials if applicable.

### **Basic Records Will Include the Following:**

legal name, address, student number, date of birth, and name of parent or guardian; health record; record of academic achievement; standardized aptitude and achievement test scores; brief comments relating to educational progress; and schools attended and absence and tardiness records.

### **Confidential Student Development Services Records Will Include the Following:**

psychological reports, social work case records, diagnostic data, disciplinary records, specialized program reports from Student Development Services programs, PPT minutes, and the IEP.

Children who have attained age 18 or are attending a post secondary institution have the right of access to their educational records and are afforded the right to privacy. If the school district maintains educational records which include the names of more than one child, the parents or guardians of that child have the right to view only the information pertinent to their child.

The school district makes known annually that it has written policies and procedures concerning education records.

Written policies and procedures concerning education records are made known to parents of children requiring Special Education and related services and shall be available to the public at least annually.

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**Consultant Reports:** Reports received from psychiatric and psychological consultants are available to parents if they are part of the case record. Being stamped "confidential" does not shield them from availability to the parent or his/her authorized agent. This should be made known to the consultant involved.

Such reports which contain sensitive data, the disclosure of which would be damaging to the student or the professional's relationship to the student, shall be returned to the sender.

**Working Notes:** Working notes of guidance conferences, social work conferences, informal data collection, etc., should not be filed in any personnel record. These should be kept secure from access and should be destroyed periodically. For our purposes, as stated in Section 8.3.1, working notes are not considered part of a pupil record and are not shared with others.

### **Other:**

The principle of "informed consent" is to be observed. Parents are to be fully aware of the contents of records they agree to provide others. Data collected for records other than officially approved records must be authorized by the Office of the Superintendent and have the consent of the parent or guardian. This would include such information as specialized testing or research in cooperation with a college or university.

Comments on permanent record cards should be related to the educational progress and needs of the pupil and very accurately and carefully stated. Such comments should be dated, since situations change with the passage of time.

Confidential material available is never to be copied and sent out with basic records. Specific authorization is necessary to send confidential records as per Buckley amendment (see "Access to Records").

Guidance and Student Development Services information in our computer file system is subject to all the regulations listed herein and available to personnel only as indicated in the section "Access to Records."

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### **Viewing and Hearing Procedures on Pupil Records:**

The parent or designated third party has the right to see the records. An appointment should be set up and the appropriate professional staff be on hand to interpret records. If parents are divorced, the non-custodial parent also has the right to view records unless there is a court order to the contrary.

The parents have the right to one free copy of all records.

The parents have the right to request that no copies or partial copies be sent anywhere. Such records should be marked "do not send per request of parent."

They have the right to request an amendment to records if information is thought to be inaccurate, misleading or in violation of their privacy. Parents may also request destruction or changes in parts of the record.

Parents are informed by the schools when confidential information is no longer needed and advised they may request the material before it is destroyed.

### **The Appeal and Hearing Procedure if Changes Are Requested:**

The Local Building Team will serve as the first reviewing agency. They will meet with the parents and provide a written statement of their decision within 10 days of the meeting.

If the problem is not resolved, the next level will be the Superintendent and the Central Planning and Placement Team. They will meet with the parents and provide a written decision of their meeting within 10 days of the meeting date.

If the matter is still not resolved, a hearing will be held with the Board of Education. A written decision of such meeting will be provided to the parents within 10 days of the meeting date.

The Vernon school system will amend records if required by hearing decision.

If the hearing finds information accurate, parents are informed of their right to include in the child's record a statement commenting on the information or giving reason for disagreeing with the agency's decision.

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The school system maintains parents' statements as long as the child's record is maintained.

The school system discloses parents' statements as long as the student's record is disclosed.

The parents have a right to due process if the school district refuses to amend the information.

If the hearing finds information inaccurate, misleading or in violation of privacy rights, the school district amends the record to reflect such findings and informs the parent.

#### **Access Forms:**

The district maintains a record of parties that have access to education records, including information found in computer memory banks. A record access form is used for this purpose (see 'Forms' file, Superintendent's office).

#### **Training for Record Keepers:**

The Director of Pupil Personnel Services (keeper of records) will provide instruction in the care of records to appropriate personnel. A list of employees who may have access to personally identifiable information is available under the section pertaining to 'Access to Records'.

#### **Due Process Procedures in Special Education:**

If the cooperative approach to planning has broken down, parents are entitled under the law to an administrative review of mediation, a hearing, and a final court review. Federal law provides that if parents initiate due process procedures, a hearing must be held within forty-five (45) days after the receipt of their request. The policy of the Vernon Board of Education will be in accordance with state and federal law and may be stated as follows.

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### **Due Process:**

Due process means fairness in the way a decision is made. It means following fixed procedures, not changing those procedures, without notice, and allowing each party involved to state his or her point of view. It also means that all points of view must be taken into account in the final decision-making process.

Parents who wish to initiate due process procedures must request, in writing, from their local board of education, an administrative review of mediation. Forms for requesting due process are available from local school boards. (See the following form.) When a parent files a request with a local board of education, a copy of that request must be sent by the local board of education to the Due Process Unit, Bureau of Pupil Personnel and Special Educational Services, State Department of Education, 25 Industrial Park, Middletown, Connecticut 06457. The filing of this form will result in the scheduling of a hearing within forty-five days.

### **Administrative Review:**

Parents who want to ask for an administrative review must send a request, in writing, to their local board of education. A copy of that form will be found in the "Forms" file, Superintendent's office. Connecticut law provides that within fifteen (15) days after receipt of written request, the local board must hold the administrative review and send the parents a written copy of its decision, together with a statement of the right to a hearing.

An administrative review is a review, in closed session, by a local board of education of a Planning and Placement Team recommendation. Although parents do not appear at an administrative review, they may submit a summary of their position for the board's consideration. Parents must be informed of this right at the time that they request the administrative review.

The summary should be submitted prior to the administrative review and should be included in the student's records. Any parental disagreement should be reflected in the notes of the Planning and Placement Team meeting. The administrative review will be held by the full board of education in executive session.

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## **Mediation:**

Less formal than a hearing, mediation is an optional process for resolving disagreements about a child's educational program. It is an alternative to the administrative review process. However, parents and the local board must agree to mediate. If they do so, they should send the appropriate form, signed by both parties, to the Due Process Unit, Bureau of Pupil Personnel and Special Educational Services, State Department of Education, 25 Industrial Park Road, Middletown, Connecticut 06457. Upon receipt of the request, the bureau will contact both parties and schedule the mediation. A state mediator, knowledgeable in the area of special education, will come to the school district, meet with the parties, and attempt to work out a solution which is acceptable to all. If no such solution can be reached within thirty days of the request, the mediator will certify the mediation as unsuccessful. A certification letter will be sent to both parties, and a hearing will be convened. Agreeing to mediation in no way affects one's right to a hearing. It is simply another means to resolve differences before a hearing.

## **Hearings:**

A hearing is a formal procedure before a state hearing officer or a state hearing panel and it takes place in the student's school district. The parties may have attorneys or advisors, and there is the full opportunity for the presentation of testimony and for cross examination. When the hearing is completed, a decision will be rendered. A copy of the decision will be sent to both parties. The decision may be appealed, by either party, to court.

## **Student's Status During Due Process Proceedings:**

Pending due process, a child remains in his or her current educational placement unless the parent and the local or state education agency agree upon another placement. In other words, if a parent and a local school district agree upon a temporary placement until the outcome of a hearing, the child may be so placed. Similarly, if the parent agrees with a state hearing officer's decision, but the local school district chooses to appeal the decision to court, the child shall be placed in the program outlined in the hearing officer's decision until such time as the court renders a final decision.

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### Civil Rights:

The same procedure as described above will be used in the case of a civil rights complaint.

Fees for Copying: Copying fee schedules will be on file in the Business Manager's office.

### Legal References:

#### Connecticut General Statutes

1-15 Application for copies of public records; Certified copies. Fees.

1-16 Photographic reproduction of documents.

1-18a Definitions.

1-19 Access to public records. Exempt records.

1-19a Disclosure of computer-stored public records...

1-19b Agency Administration. Disclosure of personnel, birth, and tax records.

#### Judicial records and proceedings.

1-20a Public Employment contracts as public record. Objection to disclosure of personnel or medical files.

1-20b Record of an arrest as public record.

1-21 Meetings of governmental agencies to be public

1-21a Recording, broadcasting, or photographing meetings.

1-21c Mailing of notice of meetings to persons filing written request.

1-21l Denial of Access of public records of meetings. Appeals. Notice. Orders. Civil Penalty. Service of process upon commission. Frivolous appeal.

1-21k Penalties

10-15b Access of parent or guardians to student=s records. Inspection and subpoena of school or student records.

10-154a Professional communication between teacher/nurse & student. Surrender of physical evidence obtained from students.

10-209 Records not to be public. (Medical or psychological examination records)