



The Pomfret School

CHALLENGING THE MIND ★ ENCOURAGING THE HEART

CODE: F5

POLICY ON THE COLLECTION AND MAINTENANCE OF EDUCATION FILES

STUDENT RECORDS

1. It is the policy of The Pomfret School to inform, at least annually, parents and eligible students of their rights under this policy and regulation which implement the Family Educational Rights and Privacy Act (FERPA).
2. It is the policy of The Pomfret School to respond promptly to parents and eligible students to reasonable requests to review, inspect, and request amendment of education records.
3. It is the policy of The Pomfret School not to disclose personally identifiable information from a student's education record without written parental or eligible student consent, except in circumstances indicated in procedures that implement this policy.
4. It is the policy of The Pomfret School to maintain a record of all disclosures of part(s) of education records as and to the extent of required by law. Parents and eligible students may inspect a review that record.
5. It is the policy of The Pomfret School to forward a student's educational record to any other school in which the pupil enrolls, transfers, or attends, on a part or full-time basis, upon request by the other school or the parent or eligible student.
6. It is the policy of The Pomfret School to disclose personally identifiable information to school officials with legitimate educational interests (as described below) without prior consent of the parents or eligible student.
7. It is the policy of The Pomfret School to protect the confidentiality of personally identifiable information in education records at the collection, storage, disclosure and destruction stages, and to keep education records in safe and secure locations.
8. It is the policy of The Pomfret School to disclose designated directory information concerning students and former students without prior consent of the parent or eligible student and without any record of such disclosure.

Unit: Board of: Warned Adopted
Pomfret 10/7/04 11/4/04

PROCEDURE

***DEFINITIONS USED FOR IMPLEMENTING THE THE POMFRET SCHOOL
POLICY ON THE COLLECTION, MAINTENANCE AND DISSEMINATION OF
STUDENTS RECORDS***

1. "Education Record" means records relating to a student, which are maintained by the school district. "Records" means any information recorded in any way, including handwriting, print, tape, film, microfilm, microfiche, and by various electronic means, including computer recording and storage of information.
2. "Disclosure" means permitting access to, release, transfer, or communication orally, in writing, or by electronic or other means, of a student's education records or of personally identifiable information contained in such records.
3. "Directory Information" means information contained in an education record which would not generally be considered harmful or an invasion of privacy if disclosed. It may include, but is not limited to, the following:
 - A. Student name
 - B. Address
 - C. Telephone number
 - D. Date and place of birth
 - E. Major field of study
 - F. Participation in officially recognized activities or sports
 - G. Weight and height of members of athletic teams
 - H. Dates of attendance
 - I. Degrees/awards received
 - J. The most recent previous school attended by the student
4. "Eligible Student" means a student who has attained the age of eighteen (18).
5. "Parent" includes a natural parent, adoptive parent, surrogate parent, legal guardian or individual action as the parent in the absence of a parent or guardian. The District will give full rights under this policy to both parents of the student, unless the District has been provided with evidence that there is a Court order, a legally binding document, or a State statute relating to such matters as divorce, separation

or custody, which expressly revokes such rights. Rights of parents under FERPA terminate when the student reaches the age of 18 (becomes an eligible student).

6. "Personally Identifiable Information" means:
 - A. Student's name
 - B. Parents' or guardians' names
 - C. Home address
 - D. Parents' or guardians' employer(s)
 - E. Student's date of birth
 - F. Student's place of birth
 - G. Appropriate telephone numbers
 - H. Student's photograph, if available
 - I. Personal identifiers such as social security numbers or student numbers
 - J. A list of personal characteristics that would make the student's identity easily traceable
 - K. Other information that would make the student's identity easily traceable
7. "School official with a legitimate educational interest" means any teacher, administrator, other professional or service provider employed by or contracted with the District to provide educationally-related services (including, but not limited to, consultants, attorneys, auditors, insurers, and evaluators), support staff, substitute, assigned student teacher, intern, volunteer, teacher's aide, or school board member who needs information relating to a particular student in order to carry out his/her official duties for the District. Where an issue is raised, the principal (or Superintendent) shall decide whether an individual has legitimate educational interest in the information or record.
8. "Student" includes any individual whom an educational record is maintained for, by the school district.

Type, Location and Custodian of Education Records. The following is a list of the types of records that the District maintains, their locations, and their custodians. A copy of the list shall be provided to the parents of a student with disabilities upon request.

Pomfret Elementary School

<u>Types Official</u>	<u>Location</u>	<u>Custodian/ Responsible Person</u>
Cumulative Records	Main Office Record Room	Principal and Secretaries
Health Records	Nurse's Office	Nurse
Special Education Records	Special Education Office	Special Education Coordinator
504 Records	Main Office	Principal
Educational Support Team (EST) Records	Guidance Office	Guidance Counselor
Portfolio Records	Classroom Teacher Files	Classroom Teacher
Inactive Special Education Records	Special Education Office	Principal and Secretary
Occasional Records (education records not identified above; such as those in superintendent's office, financial records in the business office, in the school attorney's office or in the possession of teachers)	Principal will collect and make available at student's school	Principal

PROCEDURE

***ANNUAL NOTIFICATION OF RIGHTS AND
DIRECTORY INFORMATION***

A. Notification of Rights

Notification to parents and/or eligible students of their rights regarding the maintenance of education records, and policies and procedures of The Pomfret School and each of its member districts shall occur annually.

The Supervisory Union shall cause notice(s) of such rights in the form contained in Appendix A to be published annually in newspaper(s) in general circulation in the area.

In addition, each school principal shall cause the notice to be provided by at least one of the following ways:

1. inclusion of the notice (Appendix A) in the Student Handbook;
2. mailing of leaflets;
3. posting on a bulletin board accessible to parents, eligible students, and the public in the school; or
4. any other method deemed appropriate by the school principal.

B. Notice of Directory Information

It is the policy of The Pomfret School to disclose designated directory information concerning students and former students without the prior consent of the parent or eligible student and without any record of such disclosure. See definition on page 2.

The annual public notice described in paragraph A above shall also include notice of (a) designated categories of directory information; (b) the right of the parent or eligible student to refuse to permit the designation of any or all of these categories with respect to the student; and (c) the time within which the parent or eligible student must give written notice of such refusal.

The notice concerning directory information shall be included with the notice of rights, whenever it is published, posted or otherwise distributed.

The form of notice is contained in Appendix B.

PROCEDURE

***INSPECTION/REVIEW OF RECORDS
BY AN ELIGIBLE PARENT OR STUDENT***

1. Parent(s) or eligible students may review a student's education records with an authorized member of the school staff by scheduling an appointment through the school principal (or, if the record is maintained in the Supervisory Union office, through the Superintendent).
2. If a parent or eligible student alleges that information in the education records is misleading, inaccurate, or a violation of the student's rights of privacy or other rights, the parent/eligible student may request that the record be amended. (See procedure for amendment of records)
3. Requests for a review or inspection of education records will be complied with no later than 45 days from receipt of a written request by the parent/eligible student.
4. The school will respond to reasonable requests for explanations or interpretations of part(s) of the education records.
5. Charges for copies will be based on the actual cost of copying as determined by the school principal. The principal will set the cost per page of copies at times deemed necessary to defray actual costs of providing a copy of the education record to the parent or eligible student. At no time will a parent/eligible student be charged more than the school's actual cost of copying requested document(s).
6. The The Pomfret School will not provide copies of standardized test questions or answers, nor will it provide copies of copyrighted materials.

PROCEDURE

***PARENT/ELIGIBLE STUDENT REQUEST
TO AMEND RECORDS***

Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. Parents or the eligible student must ask the school district to amend the record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights. The request should be addressed to the building principal in writing, who will make a decision, or refer it to an appropriate staff member for decision.
2. The school district may comply with the request or it may decide not to comply. If it decides not to comply, the district will notify the parents or eligible student of the decision in writing and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the school district will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing.
4. The Superintendent or designee will conduct the hearing. The parents 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. One or more individuals may assist the parents or student, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reason for the decision.
6. If the hearing officer decides that the challenged information is not inaccurate, misleading, or in violation of the student's rights of privacy, the school district will notify the parents or eligible student that they have a right to place in the record a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the school district discloses the contested portion of the record, it will also disclose the statement.
8. If the hearing officer decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, the school district will amend the record and notify the parents or eligible student, in writing, that the record has been amended.

PROCEDURE

***DETERMINATION OF AUTHORIZED ACCESS
TO EDUCATION RECORDS***

1. Access to education records will be limited to parents, eligible students and school officials with a legitimate educational interest in the information in the record. See definition on page 3 above.
2. In the event that a school official requires access to information in a student's education record, that school official will arrange with the record's custodian for access to pertinent parts of the record.
3. For the purposes of this procedure, the staff members considered custodians of records are listed by school district on page 3.
4. Information kept solely by the originator, or a substitute, and not shared with any other person(s), shall not be considered as a part of an education record (i.e. grade books, lesson plans, etc.).

PROCEDURE

***CONSENT FOR RELEASE REQUIRED/NOT REQUIRED
LIMITATIONS
RECORD OF DISCLOSURES***

1. The Pomfret School will obtain written parental or eligible student consent prior to disclosing any personally identifiable information from an education record to persons other than the parent, student, or school official with a legitimate educational interest in access to the record, except as provided in paragraph 3 below.
2. The Pomfret School will keep a record of all disclosures of personally identifiable information to parties other than those listed in paragraph 1 (above) as part of a student's education record. See Appendix C.
3. Written consent to release information from an educational record need not be obtained by the school where the disclosure is:
 - A. to school officials with a legitimate educational interest as defined on page 2;
 - B. to officials of another school system in which the student intends or seeks to enroll, or is currently enrolled (see additional conditions in Note 1 below);
 - C. *to authorized officials in State or Federal government for activities related to legitimate activities of these agencies;
 - D. *to accrediting organizations;
 - E. to appropriate persons in a health or safety emergency (see additional conditions in Note 2 below);
 - F. *in response to a court order or lawfully issued subpoena;
 - G. *under other circumstances allowed by the Family Educational Rights and Privacy Act (FERPA);
 - H. of directory information (when procedures for notice of directory information have been completed, see page 5).
4. Any record relating to a particular student, which is provided to a school official, shall be considered an education record, and shall be subject to the disclosure requirements and limitations of this policy.
5. Any person to whom personally identifiable information from an education record is disclosed shall be informed that such information/record shall not be redisclosed to any third party without the written prior consent of the parent or eligible student,

unless such third party is covered by one of the exceptions listed in subparagraphs 3A-3H above.

***NOTE:** Disclosures under subparagraphs 3C, 3D, 3F, and 3G are subject to additional requirements of law. Prior to making any such disclosure, please contact the Superintendent of Schools.

Note 1 (to subparagraph 3B): (1) By law, if you make a disclosure from an education record under paragraph 3B (to officials at another school system), you shall give the parent or eligible student, upon request, a copy of the record that was disclosed; and give the parent or eligible student, upon request, an opportunity for a hearing as described on page 7. (2) The school may disclose an education record of a student in attendance to another educational agency or institution if: the student is enrolled in or receives services from the other agency or institution; and the disclosure meets the other requirements cited in part (1) of this Note.

Note 2 (to subparagraph 3E): The school may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This requirement shall be strictly construed.

PROCEDURE

DESTRUCTION OF RECORDS

1. The following limitations are placed on the destruction of education records by the school:
 - A. The school will not destroy any education records if there is an outstanding request by the parent or eligible student to review them.
 - B. Explanations or attachments to record(s) by parents/eligible students will not be destroyed unless the amended record is to be destroyed.
 - C. Each record of access form will be maintained for as long as the education record to which it pertains is maintained.
2. Prior to destruction of part(s) of an education record the school will give written notice to the parent/eligible student. This notice will be sent to the last known address. If no response is forthcoming within thirty (30) days of the mailing date of the notice, the school may destroy the record.
3. Parents/eligible students may review the record prior to its destruction.

PROCEDURE

***CONTINGENCIES NOT COVERED BY THESE
POLICIES AND PROCEDURES***

1. In the event that a contingency occurs which is not covered by the guidelines established by The Pomfret School policy, the principal (or superintendent, for Supervisory Union records) will make a determination of any action to be taken.
2. Actions taken pursuant to paragraph 1 of this section will be in accord with federal and state law and rules.

***ANNUAL NOTIFICATION OF RIGHTS OF PARENTS
AND ELIGIBLE STUDENTS CONCERNING
EDUCATION RECORDS***

Date: (insert publication date)

To: All parents of students, and to students 18 or over, currently attending schools in the Windsor Central Supervisory Union (including Barnard Central School, The Bridgewater Village School, The Pomfret School, Reading Elementary School, Sherburne Elementary School, Woodstock Elementary School, Woodstock Union Middle and High School #4).

As the parents of a student enrolled in a school in The Pomfret School, or as an eligible student*, you have the following rights with respect to your child's (or, if an eligible student, your own) education records:

1. To inspect and review the student's education records;
2. To 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;
3. To consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law allows disclosure without your consent;
4. To file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of law with respect to your rights under the Family Educational rights and Privacy Act (FERPA). A complaint may be made in writing to the Family Policy and Regulations Office, U.S. Department of Education, 4512 Switzer Building, Washington, D.C. 20202. Telephone (202) 245-0233.
5. To request and be provided with a copy of the school district policy and procedures concerning disclosure of education records.

This Annual Notification of Rights is only a summary of rights. Your rights to inspect and review education records of your child, or your own education records if you are an eligible student, and the school district's duty to procure your written consent prior to disclosure of personally identifiable information, are subject to limitations. The school district's detailed policy and procedures describing and implementing legal and policy requirements concerning education records is available upon request. Requests for copies should be addressed to Superintendent of Schools, 496-2 Woodstock Road, Woodstock, Vermont 05091. Telephone (802) 457-1213. Copies of the policy and procedures are also available from the principal's office of your school.

*You are an eligible student if you are at least 18 years of age or are attending an institution of post-secondary education.

***ANNUAL NOTIFICATION OF DESIGNATION OF
DIRECTORY INFORMATION AND RIGHT OF REFUSAL***

To: All parents of students, and to students 18 or over, currently attending schools in the Windsor Central Supervisory Union (including Barnard Central School, The Bridgewater Village School, The Pomfret School, Reading Elementary School, Sherburne Elementary School, Woodstock Elementary School, Woodstock Union Middle and High School #4).

DATE: (insert publication date)

The Windsor Central Supervisory Union (including Barnard Central School, The Bridgewater Village School, The Pomfret School, Reading Elementary School, Sherburne Elementary School, Woodstock Elementary School, Woodstock Union Middle and High School #4) may disclose designated directory information on students and eligible students without the prior consent of the parent or eligible student and without any record of such disclosure. The following types of personally identifiable information have been designated directory information:

1. Student's name, address, phone number, telephone listing, grade, 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 most recent previous educational agency or institution attended.
2. Disclosure may include such personally identifiable information contained or reflected in photographs.

If you are an eligible student and are currently attending any of the above-named schools, or if you are the parent of a student currently attending school in any of the The Windsor Central Supervisory Union school districts, you have a right to refuse to permit the designation of any or all of these types of information as directory information concerning your child or (if you are an eligible student) yourself, by providing written notice of your refusal, listing the type(s) of information which you refuse to have so designated, to the principal of the school your child attends (or the school you attend, if you are an eligible student), on or before (insert a date 10-15 working days from date of public notice).

*You are an eligible student if you are at least 18 years of age or are attending an institution of post-secondary education.

***PERMISSION FOR THE RELEASE OF
PERSONAL IDENTIFIABLE INFORMATION***

To Parent/Guardian/Educational Surrogate or Adult Student:

If you sign this form, you are giving your permission for the release of information from your child's (or your) school record. Therefore, if you do not understand any part of this form, please contact your school's staff or the superintendent's office.

I. Student's Name _____

II. Records to be disclosed:

III. The purpose of this disclosure is:

IV. Records may be disclosed to the following party or class of parties:

_____ I willfully give my permission for the school district to release the above-described records.

_____ I do not give my permission for the disclosure of the above-described records.

Date

Signature
(Parent/Guardian/Education
Surrogate Parent or Adult Student)

_____ **SCHOOL DISTRICT**

RECORD OF ACCESS TO STUDENT EDUCATION RECORDS*

The following parties have requested an/or obtained information from the education records of this student.

*NOTE: It is not necessary to record name of parents, students, or school officials with a legitimate educational interest in the records, nor is it necessary where the request is only for disclosure of directory information, or where there is prior written consent for release by the parent or eligible student on file.

_____ **STUDENT'S NAME**

NAME OF REQUESTOR	DATE OF REQUEST	PURPOSE OF REQUEST AND LEGITIMATE INTEREST IN THIS STUDENT	DENIED, OR DATE OF DISCLOSURE

REMINDER: Remove information on all other students from the record prior to disclosing information on this student.

This account may be inspected by the parent, eligible student, and any school official and assistants responsible for the custody of education records as well as for auditing the recordkeeping procedures of the district as specified by law.

This record shall be maintained for so long as the education records to which it pertains are maintained.