

POLICY: EDUCATION RECORDS

Policy

The Brookline and Newfane School Districts recognize the importance of keeping accurate and appropriate education records² 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 principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure and destruction of education records. It is the policy of the district to protect the confidentiality of education records and release information only as permitted by law. Annually or when the student enrolls, the district will inform³ parents, guardians, and students eighteen years and older of their right to inspect, review, and seek amendment of the student's education records. 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.⁴

The building principal will be the custodian of all education records in a given school. The superintendent has overall responsibility for education records throughout the district and for assuring that adequate systems are in place to maintain such records and to provide parents with access to them in accordance with state and federal law. 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 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.⁵

¹ *The federal Family Educational Rights and Privacy Act (FERPA) does not explicitly require a school board policy on the protection of student records. Its requirements are stated in the negative... "no funds shall be made available to any educational agency...which has a policy of denying...the right of parents...to review and inspect educational records. 20 U.S.C. 1232g; 34 C.F.R. Part 99. Nor does the State Board Manual of Rules and Practices explicitly require a school board policy on student records. "Each school shall develop and implement a system of maintaining student records...which is in compliance with FERPA." SBE Rule 2120.8.3.3.*

² *A "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. The term "education records" means 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. 20 U.S.C. 1232g; 34 C.F.R. 99.3.

³ School districts are required to find an effective way to notify parents whose primary language is not English. 34 C.F.R. §99.9.

⁴ The Family Educational Rights and Privacy Act allows schools to designate certain information as "directory information" and release it after providing public notice of the categories of information it seeks to release. "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. 12 U.S.C. §1232g; 34 C.F.R. §99.3.

⁵ 12 U.S.C. §1232g; 34 C.F.R. §99.3.

Date Warned: May 10, 2012
Date Adopted: June 28, 2012
Legal Reference(s): 20 U.S.C. §§1232g (Federal Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 7908
16 V.S.A. 563(27) (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