CODE C1 - EDUCATION RECORDS

Policy
The Grand Isle 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 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 inform 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.

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.

a. Other school official determined to have legitimate educational interests means a person who needs to review a student’s education record or receive information therefrom in order to fulfill his or her employment or official responsibilities and who is:
   a. A person employed by the Grand Isle Supervisory Union member districts 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;
   b. A member of the Grand Isle Supervisory Union member districts School Board;
c. A person or company with whom the Grand Isle Supervisory Union member districts has contracted to perform a special task, including an attorney, auditor, medical consultant, therapist, evaluator;

d. A volunteer assisting another school official in the performance of his or her tasks; and

e. Any other person designated by the Grand Isle Supervisory Union member districts or Principal of any school within the GISU to have legitimate educational interests.

b. **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.

   a. Student’s name, address, date of birth, dates of enrollment;
   
   b. Parent or guardian’s name and address;
   
   c. Student’s grade level classification;
   
   d. Student’s participation in recognized school activities and sports;
   
   e. Weight and height of member of athletic teams;
   
   f. 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**

i. **Release/Review of Student Information**

   a. 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:

      i. Information may be disclosed to officials of the school in which the student enrolled who have a legitimate educational interest in the records and require the information to adequately carry out their jobs;
      
      ii. Information may be disclosed upon request to officials of a school in which the student seeks or intends to enroll;
      
      iii. Under court order or subpoena;
      
      iv. To individuals seeking Directory Information: see definitions
      
      v. In connection with a student’s request for financial aid;
      
      vi. To appropriate parties in a health or safety emergency.

   b. 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/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, he/she 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.

c. **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.

d. Each contract entered into between the Grand Isle Supervisory Union member districts 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.

e. 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 amendments of the record and the disposition of the request(s).

ii. **Juvenile Court Records.** Vermont Superior Court, Family Division, 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. In the event notification is received from Vermont Superior Court that a student has committed a delinquent act:

a. **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 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.

b. **Maintenance of Records.** The notice from the Superior 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.

c. **Transfer of Records.** When a student transfers to another school or school district, all student records shall be forwarded.

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<th>GISU</th>
<th>Alburgh</th>
<th>CIUUSD</th>
<th>South Hero</th>
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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.