

NEW MILFORD BOARD OF EDUCATION

**New Milford Public Schools
50 East Street
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE
MEETING NOTICE**

DATE: March 6, 2018
TIME: 6:45 P.M.
PLACE: Lillis Administration Building - Rm. 2

RECEIVED
TOWN CLERK

2018 MAR -2 A 8:31

NEW MILFORD, CT

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

- 1. Call to Order**
- 2. Public Comment**

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

- A. Policy Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:
 5. 6146.2 Statewide Mastery Examinations

4. Item of Information

- A. Regulation Revision:
 1. 5125 Student Education Records; Access, Confidentiality, and Amendment

5. Discussion

- A. Policy series 1000
 1. 1322 Contests for Students

6. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board

member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

7. Adjourn

Sub-Committee Members: J.T. Schemm, Chairperson
Joseph Failla
Wendy Faulenbach
Tammy McInerney

Alternates: Brian McCauley
Bill Dahl

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

COMMENTARY: Section twelve of Public Act 17-14 requires that starting in the 2018-19 school year students take annual science mastery examinations in grade eleven instead of grade ten. The requirement that fifth and eighth grade students take annual science mastery examinations remains the same. Additionally, references to the Connecticut Academic Performance Test (CAPT) have been deleted since the test has been replaced. The policy now simply references "mastery tests," a term that allows for future changes to the mastery exam without requiring a change to the policy.

The changes with respect to English language learner (ELL) testing reflect changes to Conn. Gen. Stat. § 10-14n that eliminated a ten month or less mastery testing exemption for such students and instead requires that all ELLs be tested regardless of their date of enrollment, but that the scores of ELLs who have enrolled in school in the United States for fewer than twenty months not be included in the state accountability index.

Finally, the deletion of the sentence at the bottom of the second paragraph regarding retesting is made to conform with the deletion of that requirement from the mastery testing statute.

6146.2(a)

Instruction

Statewide Mastery Examinations

Statewide mastery examinations measure whether or not a student has achieved essential, grade-appropriate skills in reading, writing, mathematics and science. Mastery examinations are provided by and administered under the supervision of the State Board of Education. Each student in grades three through eight inclusive and grade ten shall take the statewide mastery examinations for reading, writing and mathematics. **For the 2018-19 school year and each school year thereafter**, each student in grades five, eight, and ~~ten~~ **eleven** shall also take the statewide mastery examination for science.

For the 2017-18 school year student scores on each component of the statewide tenth grade mastery test, ~~Connecticut Academic Performance Test (CAPT)~~, may be included on the permanent record and transcripts of students. **For the 2018-19 school year and each school year thereafter, the scores on each component of the statewide eleventh grade mastery test may be included on the permanent record and transcripts of students.** Students who meet or exceed the statewide mastery goal on any component of the ~~CAPT~~ **mastery examination**, shall have a certification of such mastery made on the permanent record and transcript and be provided a certificate of mastery for each such component. ~~A student who has not met the mastery goal level on each component of the mastery examination may annually take or retake each such component at its regular administration until the student scores at or above each goal level or until the student graduates or turns twenty-one (21).~~

The school district may not require achievement of a satisfactory score on the statewide mastery examination or any subsequent retest on a component of such examinations as the sole criterion of promotion or graduation.

Instruction

Statewide Mastery Examinations

Special education students shall participate in mastery testing except in the rare case when the planning and placement team (PPT) for an individual student determines that an alternate assessment as specified by the State Board of Education is appropriate.

~~A student, who is an English Language Learner (ELL) (student with limited English proficiency as defined by law) may be exempt from the reading and writing portions of the mastery examinations if the student has been enrolled in a United States school for ten (10) months or less. An ELL student who has been enrolled for more than ten (10) months must take all portions of the mastery examinations.~~

All English language learners (ELL) including recently arrived ELL students, defined as those students whose initial entry date in a U.S. school is less than two years (24 months) prior to test administration are required to participate in all content areas of the state summative assessment.

All students identified as English language learners regardless of how long they have been enrolled in the school shall take the mastery examination in all content areas (reading/language arts, mathematics, science). Scores on each component of the mastery examination for ELLs who have been enrolled in this state or another state for fewer than twenty (20) school months shall not be used for the purposes of calculating the school accountability index as defined under Conn. Gen. Stat. § 10-223e.

Students who receive special education, have a 504 plan, or are ~~English Language Learners~~ **English language learners** may be entitled to accommodations when taking statewide mastery examinations. Such accommodations will be provided in a manner consistent with law. **Mastery examinations shall be offered in the most common native language of students who are English language learners taking such mastery examinations and any additional native languages of such students when mastery examinations in such native languages are developed and have been approved by the United States Department of Education.**

(cf. 5121-Examination/Grading/Rating)

(cf. 6146 - Graduation Requirements)

Legal Reference: Connecticut General Statutes

~~10-14n **Mastery Examination** State-wide mastery examination. Certification of mastery.~~

~~Limitation on use of test results. Examination in accordance with No Child Left Behind Act; funding. Kindergarten assessment tool.~~

Policy adopted: June 10, 2003

NEW MILFORD PUBLIC SCHOOLS

Policy revised: June 8, 2010

New Milford, Connecticut

<p style="text-align: center;">ITEM OF INFORMATION REGULATION REVISION Language in RED constitutes an addition</p>
--

COMMENTARY: Section four of Public Act 17-68 clarifies state law to provide that parents who are incarcerated are entitled to knowledge of and access to all educational, medical or similar records maintained in the cumulative record of their children except where such disclosure would violate state statute or violate the terms of a court order. The changes below make this reference with respect to incarcerated parents. Public Act 17-194 also provides that a “unaccompanied youth,” as defined under the federal McKinney-Vento Homeless Assistance Act as “a homeless child or youth not in the physical custody of a parent or guardian,” is entitled to knowledge of and access to all educational, medical or similar records in their cumulative record regardless of whether or not they are 18 years of age or older. The revisions in the definition section below reflect these changes to the law.

The added “Classification of Student Records” section that starts on page 11 is not required by law, but is added to give direction on the proper storage/classification of student records. Various statutes along with Connecticut records retention schedules require that school districts maintain various forms of records for the minimum lengths of time set out in the tables. However, the records retention schedules and relevant statutes do not say explicitly where such records must be kept (which files, etc). This is a matter of district discretion.

The preface to this section notes that the direction set forth in the regulation with respect to classification, maintenance and retention, etc. is meant to be aspirational in nature. Practically speaking it will likely be impossible to ensure that all student records are kept in the right files at the right times. This regulation anticipates this issue and is designed simply to give guidance on the district’s best practices with respect to record keeping rather than to set out burdensome requirements that will be difficult to follow on a daily basis.

5125(a)

Students

Student Education Records: Access, Confidentiality, and Amendment

I. DEFINITIONS

1. **“Education records”** Records directly related to a student which are collected, maintained or used by the District. It includes information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. The term does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Furthermore, this term does not include the records of a law enforcement unit of the District
2. **“Directory information”** means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

Students

Student Education Records: Access, Confidentiality, and Amendment

3. **“Parent”** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access. **Nothing in this policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical or similar records maintained by the District in the cumulative record of their child except where the disclosure of which is prohibited by state or federal law or court order.**

Whenever a student has attained eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student. The parents of such a student may continue to have access to education records or personally identifiable information without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.

4. **“School official”** School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions as well as certain contractors, consultants, volunteers or other parties engaged to perform a special task or service for the District. Using this criteria, the term “school official” includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, school resource officers, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases.
5. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means except the party identified as the party that provided or created the record.

Students

Student Education Records: Access, Confidentiality, and Amendment

6. **“Personally identifiable information”** The term includes, but is not limited to: the student's name; name of the student's parent or other family members; address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics); other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
7. **“Access”** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
8. **“Student”** means a person who is or was enrolled in a school.
9. **“Eligible student”** means a student who has attained eighteen (18) years or is attending an institution of post-secondary education.
10. **“Unaccompanied Youth” means a homeless child or youth not in the physical custody of a parent or guardian. Unaccompanied youths shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of the District.**

II. ACCESS

A. Parents have the right to inspect and review their child's education records.

1. Access rights of non-custodial parent

The District gives full rights of access to either parent, unless it has been provided with evidence that there is a court order or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Students

Student Education Records: Access, Confidentiality, and Amendment

2. Parents' access rights when student is age 18 or older

When a student reaches the age of majority (18), the rights accorded to, and consent required of parents transfer from the parents to the student. The parents of such a student may continue to have access to education records or personally identifiable information without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.

3. Surrogate parent

A surrogate parent (person appointed by the Commissioner of Education pursuant to Connecticut General Statutes §10-94g to advocate for a student with a disability in the educational decision-making process) of any child shall have the same right of access as the natural parents or guardian to all records concerning the child.

4. **Incarcerated parent**

An incarcerated parent shall have the same rights of access as non-custodial parents and shall be entitled to knowledge of and access to all educational, medical or similar records maintained by the District in the cumulative record of their child except where the disclosure of which is prohibited by state or federal law or court order.

B. Procedure to inspect, review and request copies of education records:

1. Written request

A parent or eligible student may request to inspect, review or obtain copies of a student's education records. All requests shall be made in writing and submitted to the principal of the student's school. For students who receive special education, a copy of the request should also be submitted to the Director of Pupil Personnel and Special Services. The school shall also respond to reasonable requests for explanations and interpretations of the records.

Students

Student Education Records: Access, Confidentiality, and Amendment

2. Time for District to respond to request

The District shall comply with a request for access to records from a parent or eligible student within a reasonable period of time and without unnecessary delay, but not more than 45 days after it has received the request. If the student who is the subject of the request receives special education, the District shall comply with a request for records before any meeting regarding an individualized education program or any due process proceeding and no later than ten (10) school days after the request has been made.

3. Fee for copy of education records

- a. Standard fee for copies:
The fee for copies of education records is fifty (50) cents per page.
- b. Waiver of fee:
If the imposition of the fee effectively prevents a parent from exercising the right to inspect and review the student's education records, the fee shall be waived.
- c. No fee for search:
The District will not charge a fee to search for or to retrieve the education records of a student.
- d. One free copy for students receiving special education:
If the student who is the subject of the request receives special education, the parents have the right to one free copy of those records. A request for the free copy shall be made in writing.

4. Situations where access to records and information may be limited:

- a. Records relate to more than one student:
If the education records of a student contain information on more than one student, the parents may only have access to the specific information about their child.
- b. Privileged communications between student and professional employee:
Administrators, teachers and nurses are not required to disclose information concerning a student's alcohol or drug problem if the information was revealed during a communication made privately and in confidence by the student to the professional employee.

Students

Student Education Records: Access, Confidentiality, and Amendment

- c. Access to copyrighted instruments:
Any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest shall not be copied. The parent may review and inspect such information at the location where the records are kept if the records have been retained (state law allows test protocols to be discarded at the discretion of the school administration). The District shall respond to reasonable requests from the parent for explanations and interpretations of the copyrighted material.
- d. Confidential HIV-related information:
If the education records include confidential HIV-related information (whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions), such information may not be released without a written authorization specifically allowing for the disclosure of confidential HIV-related information.

III. CONFIDENTIALITY

A. Written consent required to disclose information

1. Requirements for the written consent

Before the District discloses education records or personally identifiable information from a student's educational records to persons other than the parent or eligible student, the parent or eligible student shall provide a signed and dated written consent. The written consent shall specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.

2. Sufficiency of identification

The District uses reasonable methods to authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information from education records is disclosed. "Signed and dated written consent" may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent; and

Students

Student Education Records: Access, Confidentiality, and Amendment

3. Copy of records disclosed

If a parent or eligible student so requests, the District shall provide him or her with a copy of the records disclosed subject to payment of appropriate fees. Indicates such person's approval of the information contained in the electronic consent.

B. Exceptions to the requirement for written consent of parent or eligible student

FERPA and its federal regulations give the District discretion to disclose education records or personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. Among these exceptions are the following:

1. Parents of eligible students

The disclosure is to the parents of an eligible student who is a dependent as defined in section 152 of the Internal Revenue Code of 1986.

2. School officials who have a legitimate educational interest:

The disclosure is to other school officials, including teachers who have legitimate educational interests.

a. Criteria for determining who constitutes a "school official"

School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions. Contractors, consultants, volunteers or other parties to whom the District has outsourced its functions may also be considered as "school officials" provided that such persons or entities perform a function for which the District would otherwise use employees, are under the direct control of the District with respect to the use and maintenance of education records and are subject to the same requirements regarding redisclosure as any other recipient of such information.

b. Examples of school officials

Using the criteria in section (a), the term "school official" includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel; school resource officers,

Students

Student Education Records: Access, Confidentiality, and Amendment

members of the Board of Education; attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee, or as a hearing officer in discipline cases.

- c. What constitutes a “legitimate educational interest”

A legitimate educational interest exists where access to information in a student's education records is necessary for a school official to fulfill his or her professional responsibility.

3. Directory Information:

The disclosure is information deemed to be “directory information” by the District and the parent or eligible student has not refused disclosure of such directory information. The term “directory information” refers to information that would not generally be considered harmful or an invasion of privacy if disclosed.

- a. Definition of “directory information:”
The District considers the following categories to fall within the definition of directory information: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school previously attended.
- b. “Directory information” does NOT include either of the following: a student's social security number; a student identification number that, by itself, may be used to gain access to education records.
- c. Annual notice of right to refuse disclosure of directory information:
On an annual basis, the school district shall provide parents and eligible students with notice of the right to refuse to let the District designate any or all of the above types of information about the student as directory information. The annual notice shall give the parent or eligible student two weeks to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

Students

Student Education Records: Access, Confidentiality, and Amendment

4. Recruiters - Military and Colleges

The disclosure of name, address, and telephone listing is to recruiters and the parent or eligible student has not requested that prior written consent be obtained.

- a. Access to certain information:
Upon a request made by military recruiters or an institution of higher education, the school district will provide access to secondary school students' names, addresses, and telephone listings.
- b. Annual notice of right to refuse recruiter access to information:
A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to recruiters without prior written consent. On an annual basis, the school district shall provide parents and eligible students with notice of the right to file such a request.

5. Student's new school:

The District will forward education records to other agencies or institutions that have requested the records and in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. This includes the transfer of disciplinary records with respect to a suspension or expulsion. When such records are requested without a written consent of a parent or eligible student, notification of the transfer of records shall be sent to the parent or eligible student at the same time that the records are transferred.

6. Health or safety emergency

The school district may disclose education records or personally identifiable information from such records to appropriate parties (including the parents of an eligible student) if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making the decision to disclose information under this exception, the district must look at the totality of the circumstances. Disclosure is permitted where there is an articulable and significant threat to the health or safety of students, staff or other individuals. The disclosure should be limited to parties who need the information to address the emergency situation. The amount of information disclosed shall be narrowly tailored to the specific need and limited to the duration of the emergency. Disclosures for health and safety emergencies must be recorded in the student's education records (see "Recordkeeping").

Students

Student Education Records: Access, Confidentiality, and Amendment

7. Financial Aid

The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount or conditions for the aid or enforce the terms and conditions of the aid.

8. Judicial order or subpoena:

The disclosure is necessary to comply with a judicial order or lawfully issued subpoena. Unless the law requires otherwise, the school district must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action.

9. Organizations conducting studies

The disclosure is to organizations conducting studies for, or on behalf of the school district to develop, validate, or administer predictive tests; administer student aid

programs; or improve instruction as long as specific conditions are met as provided by law. This exception shall only apply when the District has entered into a written agreement with the organization as required by FERPA.

10. Certain federal and state officials:

The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the U.S. Department of Education; or state and local educational authorities.

11. Criminal justice involvement or dangerousness:

The disclosure is to state and local officials related to the juvenile justice system's ability to effectively serve the student whose records are released or about information received from state or local officials. This includes the following:

- a. Physical assaults upon school employees by students
School Principals shall report physical assaults made by a student upon a school employee to the local police when such assaults occur on school property or while the employee was in performance of school duties and the employee files a written report with the Principal.

Students

Student Education Records: Access, Confidentiality, and Amendment

b. Students on probation

For students who are on probation, the school district may release information to the courts as long as officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

c. Arrested students

When the Superintendent of Schools receives notice of a student's arrest from law enforcement authorities, the Superintendent may disclose such information to the Principal of the school that the student attends. The Superintendent shall maintain the written report of the arrest in a secure location. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.

d. Potentially dangerous students

When the Superintendent of Schools receives notice from the Department of Children and Families regarding a student's potential dangerousness, the Superintendent shall notify the Principal of the school that the student attends. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.

e. Registered sex offenders

The disclosure concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school district under 42 U.S.C. 14071 and applicable Federal guidelines.

Students

Student Education Records: Access, Confidentiality, and Amendment

- f. State operated detention facility or community detention facility

Upon the request of a state operated or community detention facility, the board of education shall disclose the student's educational records. If the student's parent/guardian did not give prior written consent for the disclosure of such records, the board shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records.

IV. AMENDMENT

The District recognizes its responsibility to permit parents and eligible students to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A. Request for amendment of education records:

1. A parent or eligible student must submit a request for amendment of education records in writing to the school principal. The request should clearly identify the part of the record they want changed and specify why it is inaccurate, misleading or in violation of the privacy rights of the student.
2. The school will respond within a reasonable amount of time after receiving the request. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of their right to a hearing regarding the request for amendment.

B. Hearing requirements:

1. The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
2. The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
4. The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request for amendment. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

Students

Student Education Records: Access, Confidentiality, and Amendment

5. The District shall make its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
 - a. If the decision is in favor of the parent or eligible student, the education record shall be amended.
 - b. If the decision is that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the District, or both.

When such a statement is placed in the education records of a student the District shall: maintain the statement with the contested part of the record for as long as the record is maintained; and disclose the statement whenever it discloses the portion of the record to which the statement relates.

V. RECORDS MANAGEMENT

A. Classification of Student Records

The consistent and orderly classification, maintenance and retention of student records is important for ensuring the efficient operation of the District. While efforts will be continuously made to ensure that records are classified, maintained and retained in accordance with the following protocols, it is understood that the District maintains a very large volume of student records and that the immediate proper classification of all student records may not always be possible.

Student records shall not be removed, destroyed, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law. At all times the District shall retain records in accordance with applicable state records retention schedules.

Professional staff members shall have access to student records as necessary for the proper performance of their positions. The unauthorized access to education records and the unauthorized disclosure of personally identifiable information contained within education records is serious misconduct and will result in disciplinary consequences up to and including termination.

Students

Student Education Records: Access, Confidentiality, and Amendment

The District shall seek to classify student education records in accordance with the following protocols:

1. **Permanent Record:** A permanent student record shall be maintained by the District from the time of a student's enrollment and for a period of fifty years after the student graduates or otherwise completes his or her academic career with the District. The Permanent Record shall be maintained in the District's Central Office and shall include identifying data such as name, address, date of birth and parent names, along with basic academic, attendance and disciplinary records as set forth in the Student Records table below.
2. **Supplementary Student Records:** Supplementary student records are student records that the District maintains on a non-permanent basis. Supplementary student records may be maintained in multiple files and may be maintained in the District's Central Office or at the individual school level.

Supplementary student records may be maintained in the following files:

- a. *Cumulative File* -- A student's cumulative file includes those records included in a student's permanent record along with academic, attendance, disciplinary, extracurricular and other records that the District retains on a non-permanent basis.
 - b. *Cumulative Health File* – A student's cumulative health file includes health and medical information relating to a particular student. Cumulative health files are ordinarily maintained by school nursing staff.
 - c. *Pupil Personnel File* – A student's pupil personnel file includes records and documentation relating to a student's special education assessments and programing.
 - d. *Confidential File* – A student's confidential file includes records and documentation of a sensitive nature to which general staff access is restricted. Such files may only be reviewed by staff with express permission of the Superintendent of Schools or his or her designee.
3. **Classification and Location of Student Records:** The District seeks to classify and retain student records as follows:

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT PERMANENT RECORD**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Basic biographical information	Permanent Record / Cumulative File	50 years after student leaves the District
Academic achievement (grades/transcripts)	Permanent Record / Cumulative File	50 years after student leaves the District
Attendance records (days absent/present/tardy, including signed attendance release forms where required by Board policy)	Permanent Record / Cumulative File	50 years after student leaves the District
Date of high school graduation or equivalent	Permanent Record / Cumulative File	50 years after student leaves the District
Records of immunization	Permanent Record / Cumulative File / Cumulative Health File / Pupil Personnel File	50 years after student leaves the District
Notice of expulsion for possession of firearm or deadly weapon by a student in grades nine through twelve inclusive	Permanent Record / Cumulative File / Confidential File	50 years after student leaves the District

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Student contracts (i.e. sports contracts, signature sheets for student handbooks)	Cumulative File	End of school year for which contract is signed.
Permission slips	Cumulative File	3 years
Free and reduced meal application and documentation forms	Cumulative File	3 years or until audited, whichever comes later
Adult education registration records	Cumulative File	3 years or until audited, whichever comes later
After school program registration records	Cumulative File	1 year
School registration records including residency documentation	Cumulative File	3 years or until audited, whichever comes later
Student portfolio work (student work produced for grading assessment)	Cumulative File	End of year at which student received grade
Child study team records	Cumulative File / Pupil Personnel File	6 years after the student leaves the District

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Awards	Cumulative File	6 years after the student leaves the school District
Diagnostic reading/math test results (not special education)	Cumulative File	6 years after the student leaves the District
Extracurricular activities	Cumulative File	6 years after the student leaves the District
Letters of Recommendation	Cumulative File	6 years after the student leaves the District
Parent/eligible student signed release forms, if required by school policy	Cumulative File / Cumulative Health File / Pupil Personnel File	As long as records are maintained
Records of immunization	Permanent Record / Cumulative File / Cumulative Health File / Pupil Personnel File	50 years after student leaves the District
Standardized group test scores	Cumulative File / Pupil Personnel File	6 years after the student leaves the District
Diplomas (if not taken by student upon graduation)	Cumulative File	6 years after the student leaves the District

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Disciplinary detention records	Cumulative File	No minimum retention requirement
Disciplinary incident reports	Cumulative File	No minimum retention requirement
Disciplinary referral records	Cumulative File	No minimum retention requirement
Notice of suspension	Cumulative File / Confidential File	Expunged from cumulative file upon graduation or at discretion of administration where student suspension period is shortened or waived pursuant to student's successful completion of administration-specified program and/or conditions. No minimum retention period for inclusion in confidential file.

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Notice of non-firearm or deadly weapon possession expulsion	Cumulative File / Confidential File	Expunged upon graduation or at discretion of Board of Education where: 1. Expulsion period is shortened or waived and Board determines that expungement is warranted at time pupil completes Board-specified program and meets any other conditions required by Board, or; 2. Student demonstrates to Board that his or her conduct following expulsion warrants expungement. No minimum retention period for inclusion in confidential file.
Notice of expulsion for possession of firearm or deadly weapon by a student in grades nine through twelve inclusive	Permanent Record / Cumulative File / Confidential File	50 years after student leaves the District
Grade books	Cumulative File	Current year plus 1 additional year

Students

Student Education Records: Access, Confidentiality, and Amendment

RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE FILE

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Tardy slips from parents/guardians	Cumulative File	At completion of school year
Family with Service Needs Records	Confidential File	6 years after the student leaves the District
Student's emergency information card	Cumulative File / Cumulative Health File	Until superseded or student leaves district
Record of parent conferences regarding student truancy	Cumulative File	6 years after student leaves District
Student truancy referrals	Cumulative File	6 years after student leaves District

Students

Student Education Records: Access, Confidentiality, and Amendment

RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE HEALTH FILE

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Student's emergency information card	Cumulative File / Cumulative Health File	Until superseded or student leaves the District
Accident reports	Cumulative Health File	6 years after the student leaves the District
Basic school entrance health histories	Cumulative Health File	6 years after the student leaves the District
Child abuse forms	Cumulative Health File / Confidential File	6 years after the student leaves the District
Cumulative health records (CHR-1, original or copy)	Cumulative Health File	6 years after the student leaves the District
Incident Reports	Cumulative Health File	6 years after the student leaves the District
Individualized health care plans	Cumulative Health File	6 years after the student leaves the District
Medication administration records	Cumulative Health File	Until superseded by yearly summary on CHR-1 or 6 years after student leaves the District
Parent authorization for medications/treatments	Cumulative Health File	6 years after the student leaves the District

Students

Student Education Records: Access, Confidentiality, and Amendment

RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE HEALTH FILE

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Physician orders for medications/treatments	Cumulative Health File	6 years after the student leaves the District
Referral forms for services based on results mandated screenings	Cumulative Health File	6 years after the student leaves the District
Sports histories and physical-examination reports	Cumulative Health File	6 years after the student leaves the District
Nursing health assessment data	Cumulative Health File	6 years after the student leaves the District
Medication administration records	Cumulative Health File	Until superseded by yearly summary on CHR-1 or 6 years after student leaves the District
Nursing process notes	Cumulative Health File	6 years after the student leaves the District
Third-party health records (from hospitals, clinics, and private providers)	Cumulative Health File	6 years after the student leaves the District
Student's emergency information card	Cumulative File / Cumulative Health File	Until superseded or student leaves the District

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN STUDENT CUMULATIVE HEALTH FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
School counselor case records	Cumulative Health File	6 years after the student leaves the District
School psychologist case records	Cumulative Health File	6 years after the student leaves the District
School social-work case records	Cumulative Health File	6 years after the student leaves the District
School speech/language pathology case records	Cumulative Health File	6 years after the student leaves the District
Section 504 records	Cumulative Health File	6 years after the student leaves the District

Students

Student Education Records: Access, Confidentiality, and Amendment

RECORDS TO BE INCLUDED WITHIN PUPIL PERSONNEL FILE

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Special education assessment/evaluation reports	Pupil Personnel File	6 years after student leaves the District
Due process records	Pupil Personnel File	6 years after student leaves the District
Individual Transition Plan (ITP)	Pupil Personnel File	6 years after student leaves the District
Individualized Education Program (IEP)	Pupil Personnel File	6 years after student leaves the District
Individualized Family Service Plan (IFSP)	Pupil Personnel File	6 years after student leaves the District
Planning and Placement Team (PPT) records	Pupil Personnel File	6 years after student leaves the District
Special Education Referral Forms	Pupil Personnel File	6 years after student leaves the District
Student Assistance Team Records	Pupil Personnel File	6 years after student leaves the District

Students**Student Education Records: Access, Confidentiality, and Amendment****RECORDS TO BE INCLUDED WITHIN CONFIDENTIAL FILE**

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Notice of expulsion for possession of firearm or deadly weapon by a student in grades nine through twelve inclusive	Permanent Record / Cumulative File / Confidential File	50 years after student leaves the District
Notice of suspension	Cumulative File / Confidential File	Expunged from cumulative file upon graduation or at discretion of administration where student suspension period is shortened or waived pursuant to student's successful completion of administration-specified program and/or conditions. No minimum retention period for inclusion in confidential file.
Notice of non-firearm or deadly weapon possession expulsion	Cumulative File / Confidential File	Expunged upon graduation or at discretion of Board of Education where: 1. Expulsion period is shortened or waived and Board determines that expungement is warranted at time pupil completes Board-specified program and meets any other conditions required by Board, or; 2. Student demonstrates to Board that his or her conduct following expulsion warrants expungement. No minimum retention period for inclusion in confidential file.

Students

Student Education Records: Access, Confidentiality, and Amendment

RECORDS TO BE INCLUDED WITHIN CONFIDENTIAL FILE

TYPE OF RECORD	FILE LOCATION	MINIMUM RETENTION PERIOD
Family with Service Needs Records	Confidential File	6 years after the student leaves the District
Child abuse forms	Cumulative Health File / Confidential File	6 years after the student leaves the District

A B. Safeguarding confidentiality

The District shall use reasonable methods to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

1. Warning recipients of records about redisclosure of information

The District will inform parties receiving a disclosure of education records that they may use the information only for the purposes for which the disclosure was made and that they are obligated to not disclose the information to any other party without the prior consent of the parent or eligible student. This warning regarding further disclosure of education records need not be given to the parent or eligible student or party receiving directory information.

2. School officials' access to education records

The District shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

3. Additional requirements for safeguarding the records of students receiving special education

- a. The Director of Pupil Personnel and Special Services is the person responsible for ensuring the confidentiality of any personally identifiable information.

Students

Student Education Records: Access, Confidentiality, and Amendment

- b. District personnel who collect or use personally identifiable information will receive instruction regarding confidentiality of student records and information.
- c. The Superintendent of Schools, or his/her designee, shall maintain, for public inspection, a current listing of the positions of those employees within the agency who may have access to personally identifiable information.
- d. Upon request, the District shall provide parents with a list of the types and locations of education records collected, maintained, or used by the agency.

B C. Recordkeeping Requirements Record Requests and Disclosures

- 1. List of requests and disclosures of education records disclosure of personally identifiable information from the education records of each student.
 - a. This record shall be kept with the education records of the student.
 - b. There is no requirement to record requests made by or disclosures given to the following parties: the parent or eligible student; school officials with a legitimate educational interest; a party with written consent from the parent or eligible student; a party seeking directory information; and some types of subpoenas or court orders.

This list may be inspected by the parent or eligible student, school personnel who are responsible for the custody of the records or have a legitimate educational interest and federal, state or local authorities responsible for auditing the recordkeeping procedures.

- 2. Information that must be documented in this record
 - a. For each request or disclosure this record must include the names of the parties requesting or receiving information from education records, the date access was given and the purpose the parties had in requesting or obtaining the information.
 - b. In cases where personally identifiable information regarding a student has been disclosed due to a health or safety emergency, the record of the disclosure must include the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the names of the parties to whom the District disclosed the information.

Students

Student Education Records: Access, Confidentiality, and Amendment

- c. If the District discloses personally identifiable information to a party and authorizes the party to redisclose information on behalf of the District pursuant to 34 C.F.R. 99.33(b), the District shall record the names of the additional parties to which the receiving party may disclose the information and the legitimate interests under 34 C.F.R. 99.31 which the additional parties have in obtaining the information.

Legal References

Connecticut General Statutes:

1-210(b)	Access to public records. Exempt records.
7-109	Destruction of documents.
10-15b	Access of parent or guardians to student's records.
10-94i	Rights and liabilities of surrogate parents
10-154a	Professional communications between teacher or nurse and student.
10-209	Records not to be public.
10-220h	Transfer of student records
10-221b	Boards of education to establish written uniform policy re: treatment of recruiters.
10-233g	Reports of principals to police authority concerning physical assaults upon school employees by students
10-233h	Arrested students. Reports by police, disclosure, confidentiality.
10-233i	Students placed on probation by a court
10-233k	Notification of school officials of potentially dangerous students
11-8b	Transfer or disposal of public records.
19a-583	Limitations on disclosure of HIV-related information
46b-56 (e)	Orders re custody, care, education, visitation and support of children.
	R.C.S.A. 10-76a-1 Definitions and 10-76d-18 Education records and reports
	Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records

Connecticut Public Records Administration Schedule M8 – Disposition of Education Records (Revised 2005)

20 U.S.C. 1232g,	Family Educational Rights and Privacy Act of 1974
34 C.F.R. Part 99	(FERPA regulations)
20 U.S.C.	1412(a)(8) and 1417(c), Individuals with Disabilities Education Act
34 C.F.R. 300.610-627	(IDEA regulations)
29 U.S.C.	794 Section 504 of the Rehabilitation Act of 1974
34 C.F.R. 104.36	(Section 504 regulations)

Students

Student Education Records: Access, Confidentiality, and Amendment

20 U.S.C.	7908 Armed Forces recruiter access to students and student recruiting information. (Part of No Child Left Behind Act)
20 U.S.C. 7165	Transfer of School Disciplinary Records
29 U.S.C. 503	Access to secondary schools

Regulation approved: June 12, 2001
 Regulation revised: June 12, 2007
 Regulation revised: October 13, 2009
 Regulation revised: June 8, 2010
 Regulation revised: October 11, 2011
 Regulation revised: February 26, 2013
 Regulation revised: October 8, 2013

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

Community Relations

Contests for Students

Contests and competitions for the students may be considered for approval by the Superintendent on recommendation of the building administration. The following criteria are to be considered in determining whether or not approval may be given:

1. The contest is educationally sound and worthy.
2. The contest is stimulating to the student and school and desirable for both.
3. The contest must not place an undue burden on the students, families, teachers, and the school.
4. The contest is not commercial or sectarian.
5. The contest will not take students from school unnecessarily.
6. Participation from state and national principal groups are considered.
7. For secondary school contests, from the list of approved contests published by the Connecticut Association of Schools.