

CONFIDENTIALITY AND MAINTENANCE OF EDUCATIONAL RECORDS

Adopted at Full Board Second Reading: January 28, 1993

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POLICY

All eligible students and parents of students enrolled in Thetford Academy have certain rights concerning the educational records the Academy maintains. These rights are afforded in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Education of the Handicapped Act (P.L. 94-142).

INTENT

- To ensure confidentiality of Student records.
- To ensure parental access to student records.
- To document access to student records.
- To document release of information to other parties.

PROCEDURES

LISTS OF TYPES AND LOCATIONS OF INFORMATION

1. Parents shall be provided, in the Student Handbook or upon request, a list of the types and locations of education records collected, maintained, or used by the school.

RIGHT OF ACCESS

1. Parents shall be permitted to inspect and review any educational records relating to their student. Access shall be allowed within a reasonable time and before any IEP meeting or hearing related to the identification, evaluation, or placement of the student, and never more than 45 days after the request has been made.
2. The right to inspect and review education records includes:
 - a. The right to a response from the school to reasonable requests for explanation and interpretations of the records.
 - b. The right to request that the school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.
3. Thetford Academy assumes that either parent or the student (over the age of 18) has the right to inspect, review, and release the student's educational records unless it is provided with evidence that there is a legally binding instrument which provides to the contrary.
4. A representative of the school will remain with a person who is reviewing special education records at all times.
5. The only parties with access to records without parents prior written consent are:
 - a. school employees with legitimate educational interests.
 - b. authorized representative(s) of the LEA.
 - c. officials of another school in which the student intends to enroll or is concurrently enrolled.

- d. government officials and other authorities, as provided by law.
- e. in health and safety emergencies.
- f. state department personnel for the purpose of monitoring.

RECORD OF ACCESS

1. A record of parties (except parents and authorized employees of the school) obtaining access to education records shall be maintained in the front of each student's file. The record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

FEES

1. Thetford Academy will not charge a fee for a single copy of records. It may charge a fee for multiple copies if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. The fee charged will be the standard fee for photocopying; no fee may be charged to search for or to retrieve information.

AMENDMENT OF RECORDS AT PARENTS REQUEST

1. A parent who believes that information in education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student, may request the school to amend the information.
2. The school shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
3. If the school decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of the right to a hearing.

RECORDS OF MORE THAN ONE STUDENT

1. If any education record includes information on more than one student, the personally identifiable information of other student(s) shall be obliterated.

TRANSFER OF RECORDS

1. Student records shall be sent to another school in which the student has enrolled upon request from the school. Parental consent to release records is not necessary, but the parents and the LEA shall be notified that the records have been transferred.

RETENTION OF RECORDS

1. Copies of evaluation reports shall be retained for five years after the end of the last year in which the evaluation is used, and IEPs shall be retained for five years after the completion of services under the IEP.
2. When parents request the destruction of educational records which are no longer needed to provide educational services, personal identifiers shall be removed and the record maintained in a separate file to allow the school to maintain a historical record of program compliance.

DESTRUCTION OF RECORDS

1. Copies of student records maintained when records are transferred to another school shall be destroyed five years after the records were transferred. These are considered historical, not active education records.
2. Records of students who are deleted or exited from special education shall be destroyed after five years. Parents shall be sent Notification of Destruction of Education Records (VT Form C4), and given the opportunity to receive the records. The student's name, ICR number, and dates of service shall be maintained in the data base.