



WINOOSKI SCHOOLS
We are the future.

POLICY #5125

WINOOSKI SCHOOL DISTRICT

POLICY ON STUDENT EDUCATIONAL RECORDS (FERPA)

The Winooski School District (WSD) recognizes the importance of keeping accurate and appropriate education records^[1] 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^[2] 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.^[3]

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.^[4]

[Type here]

11 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.

¹²¹ School districts are required to find an effective way to notify parents whose primary language is not English. 34 C.F.R. §99.9.

¹³¹ 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.

¹⁴¹ 12 U.S.C. §1232g; 34 C.F.R. §99.3.

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Legal Reference(s): 34 C.F.R. §§99.6; 99.34; 99.37; 300.572
VDE Rule 2193
..... 20 U.S.C. Section 1232g (Federal Family Education Rights of
Privacy Act of 1974)
..... 20 U.S.C. Section 7908
..... 16 V.S.A. 563(27) (NCLBA Armed Forces Recruiter/Higher
Education Access)
..... 1 V.S.A. Section 317 (Definitions)
..... 15 V.S.A. Section 670 (Non-custodial parents)
..... 33 V.S.A. Section 5536a (Juvenile Court Records)
..... VT State Board of Education Manual of Rules & Practices,
Section 2120.8.3.3

Cross Reference(s): WSD Policy #6146, Policy on Responsible Use of Technology

PROCEDURES: (also referred to as rules or regulations) are the specific directions that indicate exactly how school personnel and others will carry out the policies adopted by the School Board. Procedures will be developed by the Superintendent in consultation with staff and are attached. Procedures may change more frequently than the underlying policy and do not require adoption by the Board.

PROCEDURES:

These procedural rules are developed and issued by the Superintendent/designee to implement the student records policy of the Winooski School District (the "District").

Definitions Used For Implementing the Winooski School District Policy In The Collection, Maintenance And Dissemination Of Student Records.

1. **"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.
2. **"Education Record"** means records (a) directly relating to a student, which are (b) maintained by the District or a party acting for the District.

The term does not include: (a) Records that are kept in the sole possession of the maker of the record(s), 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;

(b) Records created or received by the August 17, 2009 District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and/or

(c) Grades on peer-graded papers before they are collected and recorded by a teacher¹.

34 C.F.R. §99.3.

3. "Destruction," with respect to records created, collected or maintained under Part B of the IDEA, means (a) physical destruction, and (b) removal of personal identifiers from information so that the information is no longer personally identifiable.

34 C.F.R. §300.611

4. **"Disclosure"** means to permit access to, or the release, transfer, or communication of, personally identifiable information contained in education records to any party (other than the party identified as the party that provided or created the record), by any means, including oral, written, or electronic means.

34 C.F.R. §99.3

5. **"Directory information"** means information contained in an education record which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited

¹ See, 34 C.F.R. §99.3 for exceptions involving access to medical records by eligible students; records of law enforcement units within the district; records of students who are employed by the district.

to: student's name, address, telephone number; electronic mail address; photograph; date and place of birth; major field of study grade level; enrollment status (e.g., undergraduate or graduate); dates of attendance; participation in officially recognized activities or sports; weight and height of members of athletic teams; degrees/honors/awards received; and the most recent educational institution attended.

34 C.F.R. §99.3

Directory information does not include: the student's social security number or student identification number.

34 C.F.R. §99.3

6. **"Eligible student"** means a student who has reached the age of eighteen (18) or is attending an institution of postsecondary education. When a student turns 18, the rights afforded to parents under the Family Educational Rights and Privacy Act ("FERPA") transfer to the student. In this context, the term does not refer to eligibility requirements for any program or service.

34 C.F.R. §99.3; §99.5

7. **"Parent"** means the parent of a student, and includes a natural/adoptive parent, a legal guardian, or an individual acting 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 State statute, or a legally binding document, 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). 34 C.F.R. §99.3; §99.4. For purposes of rules based on the IDEA parent also includes a surrogate parent.

8. **"Personally identifiable information"** means:

- a. Student's name;
- b. Name of the student's parent or other family members;
- c. The address of the student or student's family;
- d. A personal identifier, such as the student's social security number, student number or biometric record;
- e. Other indirect identifiers such as the student's date of birth, place of birth, and mother's maiden name;
- f. 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;
- g. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

34 C.F.R. §99.3.

9. **"School official with a legitimate educational interest"** includes a person employed by the school district as an administrator, supervisor, teacher, service provider, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as, but not limited to, consultants, attorneys, auditors, insurers, evaluators); a parent or student or other volunteer servicing on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks (such as substitutes, assigned student teachers, interns, volunteers or teacher aides). A school official has a legitimate educational interest

if the official needs to review the education record or personally identifiable information from the record in order to perform his or her official duties for the District. Where an issue is raised, the Principal, Special Education Director, or Superintendent, as appropriate, shall decide whether an individual has a legitimate educational interest in the information or record.

10. **"Student"** includes any individual for whom an educational record is maintained by the District.
Definitions: 34 C.F.R. §99.3

PROCEDURE: Annual Notification of Rights and Directory Information

A. Notice of Rights

Notification to parents and/or eligible students of their rights regarding the maintenance of education records, and policies and procedures of the District shall occur annually.

The District shall cause notice(s) of such rights in the form contained in Appendix A to be published annually in a 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 in the Student Handbook; (2) mailing of leaflets; (3) posting on the District website and on a bulletin board that is easily accessible to parents, eligible students, and the public in the school; or (4) any other method deemed appropriate and effective by the school principal.

34 C.F.R. §99.7(b)

Notice shall be effectively provided to parents/eligible students with disabilities.

34 C.F.R. §99.7(b)(1)

Where there are students/parents with a primary or home language other than English, effective annual notification shall be given in the home language.

34 C.F.R. §99.7(b)(2)

B. Notice of Directory Information

It is the policy of the District 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. Annual public notice of this policy shall be given in the form contained in Appendix B, by publishing it with the Notice of Rights (Appendix A), whenever the Notice of Rights is published, posted, mailed or otherwise distributed.

34 C.F.R. 99.37(a)

PROCEDURE: Inspection/Review of Records by an Eligible Parent or Student.

1. Parent(s) or eligible students may review their student's education records with an authorized member of the school staff by scheduling an appointment through the school principal or special education case manager (for special education records). If the record is maintained in the

Supervisory Union office access is through the Superintendent.

34 C.F.R. §99.10(a)

2. Requests for a review or inspection of education records will be complied with within a reasonable period of time, but no later than 45 days from receipt of a written request by the parent/eligible student. 34 C.F.R. §99.10(b). Requests for review of records in preparation for an IEP meeting or hearing relating to special education matters shall be complied with without unnecessary delay before the meeting or hearing.

34 C.F.R. §300.613

3. The school will respond to reasonable requests for explanations or interpretations of part(s) of the education records.

34 C.F.R. §99.10(c)

4. Copies of education records will be provided to parents or eligible students where failure to provide copies would effectively prevent them from exercising their right to inspect and review the records. 34 C.F.R. §99.10(d). Charges for copies of educational records will be based on the actual cost of copying as determined by the Superintendent. No charge shall be made for search or retrieval of records. 34 C.F.R. §99.11. At no time shall the copying fee effectively prevent exercise of the right to inspect and review the records.

34 C.F.R. §99.11

34 C.F.R. §300.566

5. The District will not provide copies of standardized test questions or answers, nor will it provide copies of copyrighted materials. Where such materials contain personally identifiable information, the parents/eligible student shall be allowed to inspect and review the item.

6. When an education record contains personally identifiable information concerning more than one student, the parent or eligible student may inspect, review or be informed of only the specific information about that student.

34 C.F.R. §99.12(a)

34 C.F.R. §300.615.

7. Upon request by a parent of a student who is eligible for special education, the school shall provide a list of the types and locations of education records collected, maintained or used by the school.

34 C.F.R. §300.616

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. [Note: this is a sample list only. The District will need to prepare an accurate list of its own. This is required by the IDEA regulations, not FERPA].

34 C.F.R. §300.616.

<u>Types Official</u>	<u>Location</u>	<u>Custodian/ Responsible Person</u>
<u>Cumulative School Records</u>	School Principal's Office	School Principal
<u>Cumulative School Records</u> (Former Students)	District Office	Executive Assistant to Superintendent <hr/> Public Library
<u>Health Records</u>	Health Supervisor's Office	Director of Health Services <hr/> School District Administration
<u>Speech Therapy Records</u> <u>Psychological Records</u>	Special Education Office	Chief Speech Pathologist Psychologist <hr/> School District Administration
<u>School Transpor- tation</u>	School Bus Garage	Director of Pupil Transportation
<u>Special Test Records</u>	Office of Pupil Personnel Services	Director of School Counseling School District Administration
<u>Occasional Records</u> (education records not identified above; such as those in superintendent's office, in the school attorney's office, or in the personal possession of teachers)	Principal will collect and make available at student's school	School Principal

PROCEDURE: Request by a parent or eligible student to amend an education record.

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, by following the steps listed below.

1. Parents or the eligible student must ask the District to amend the record. The request should be addressed in writing to the school principal or special education administrator for special education record, who will make a decision, or refer it to an appropriate staff member for decision. The request should identify the part of the record the parent/eligible student wants changed and the grounds for believing it is inaccurate, misleading or in violation of the student's privacy or other rights. The decision whether to comply with the request shall be made within a reasonable time after receipt of the request.
2. If the decision is made to comply with the requested amendment, the District shall carry out the request promptly, with notice to the requesting party. If it is decided not to comply in whole or in part, the District shall notify the parent/eligible student of the decision in writing, including notice of their right to request a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request by the parent/eligible student, the District shall arrange for a hearing, and notify the parent/eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable time after receipt of the hearing request.
4. The hearing will be conducted by the Superintendent or designee (the "hearing officer"). The hearing officer may be a school district official, but may not be a person with a direct interest in the outcome of the hearing. The parents/eligible student will be afforded a full and fair opportunity to present evidence showing that the record is inaccurate, misleading, or in violation of the student's privacy rights. The parents or eligible student may be assisted by one or more individuals, including an attorney, at their own expense. The District shall also present its evidence and argument at the hearing.
5. Within a reasonable time after the close of the hearing, the hearing officer shall prepare a written decision based 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 right of privacy, the hearing officer shall notify the parents/eligible student of their right to place a statement with the underlying record setting forth their reasons for disagreeing with the decision, and/or commenting on the disputed information.
7. The statement will be maintained as part of the student's education records as long as the contested record is maintained. Thereafter, whenever the District discloses the record, it shall 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 District will amend the record and notify the parents/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, except as described below. Where there is any question, the school principal (or the special education administrator for special education records or the Superintendent for records maintained by the Central Office), shall determine whether a person is a "school official with a legitimate educational interest."
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. No access to education records shall be provided for persons not listed in paragraph 1, unless the consent requirements on pages 11-14 of these procedural rules (including exceptions thereto) have been satisfied.

34 C.F.R. §99.3; §99.10; §99.31

**PROCEDURE: Consent for Release Required/Not Required
Limitations on Redisclosure
Record of Disclosures**

1. The District will obtain written, signed and dated parental or eligible student consent prior to disclosing any personally identifiable information (other than directory information) from an education record to persons other than the parent, eligible student, persons with written consent from the parent or eligible student, a party seeking directory information, or a school official with a legitimate educational interest in access to the record, except as provided in paragraph 3 below. The consent must contain all information called for by the consent form, Appendix C.
34 C.F.R. §99.30
2. The District will keep, as part of a student's education record, a record of all requests for access to, and/or disclosures of, personally identifiable information to parties other than those described in paragraph 1. The record shall include the names of additional authorities, including State and local educational authorities and Federal officials and agencies listed in exception 3C below, who may make further disclosures of personally identifiable information from the student's education records without consent. See Appendix D. The record of disclosure may be inspected by the parents, eligible student and school officials and assistants responsible for custody of records, as well as by State and Federal officials authorized to audit recordkeeping procedures of the District.
34 C.F.R. §99.32
3. Prior 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 above;
 - B. To officials of another school, school system, or institution of postsecondary education where The student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. (See additional conditions in Note 1 below);

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- *C. To authorized officials in State or Federal government for activities related to legitimate activities of these agencies;
- *D. To accrediting organizations and/or for the purpose of certain educational studies;
- 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 (upon certain conditions);
- *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, and parent has not opted out. See pages **2 and 4** above;
- I. To parents of a dependent student as defined by section 152 of the Internal Revenue Code of 1986.

34 C.F.R. §99.31(a).

- 4. Any record relating to a particular student which is provided to a school official shall be considered an education record of the student, and shall be subject to the disclosure provisions of this policy.
- 5. Disclosure of education records/personally identifiable information from education records may be made only upon condition that the party to whom the disclosure is made will not redisclose the information without the prior written consent of the parent/eligible student, and that the information will be used solely for the purposes for which disclosure was made. (This rule shall not apply where the initial disclosure is to a parent of a student who is not an eligible student, or to a student, or where only directory information is disclosed.) Redisclosure without prior consent is permissible where the redisclosure is under circumstances covered by any of the exceptions in subparagraphs 3 A-I above, and if a record of the redisclosure is made if required under the record keeping rules in paragraph 2 above.

34 C.F.R. §99.33

- 6. Disclosures to a corporate entity or an organization, or a representative thereof, shall be made upon the condition that the information can be used only by officers, employees, or agents of the organization for the purposes for which the disclosure was made.
- 7. Parties to whom disclosure is made shall be informed of restrictions on redisclosure. The form attached as Appendix E shall be used to provide notice of disclosure limitations to recipients of copies of education records.

34 C.F.R. §99.30;
§99.31, §99.32; §99.33

***NOTE:** Disclosures under subparagraphs 3 C, D, F, G are subject to additional requirements of law and may require legal advice. 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 to officials at another school under paragraph 3B, you shall give the parent/eligible student, upon request, a copy of the record that was disclosed; and, upon request, an opportunity for a hearing to amend a record as described above.

(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 other agency or institution; and the disclosure meets the other requirements cited in part (1) of this Note.

34 C.F.R. §99.31(a)(2);
§99.34(b)

Note 2 (to subparagraph 3E)(Health and safety emergency):

The District may disclose personally identifiable information from an education record to appropriate parties, including the parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or others. In making this determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or others. If the District determines that there is an articulable and significant threat to the health or safety of a student or others, it may disclose information to any person whose knowledge of the information is necessary to protect the health or safety.

34 C.F.R. §99.31(a)(10);
§99.36.

PROCEDURE: Destruction of Records

1. The following limitations are placed on the destruction of education records by the school:
 - A. The District shall abide by the document retention timelines set out in attached Schedule 1. These retention requirements are promulgated and updated from time to time by the Vermont Department of Education.
 - B. The school shall not destroy any education records if there is an outstanding request by the parent or eligible student to review them.

34 C.F.R. §99.10(e)
 - C. Explanations or attachments to record(s) by parents/eligible students will not be destroyed until the underlying record to which they pertain is destroyed (see amendment of record procedure above).

34 C.F.R. §99.21(c)
 - D. Each record of access form shall be maintained for as long as the education record to which it pertains is maintained.

34 C.F.R. §99.32(a)(2)
2. At the time called for by the District's record retention timetables for destruction of an education record, and prior to destruction of any education record being maintained pursuant to those timetables, the District will give written notice of the plan to destroy the record(s) 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. Responding parents/eligible students may review the record prior to its destruction.

3. The District shall maintain the following permanent records:
 - a. Name, last known address, phone number
 - b. Courses, grades, grade point average or rank in class, multi-year plan (where applicable)
 - c. Date of birth
 - d. Degrees/awards received
 - e. Date separated/date graduated
 - f. Attendance record
 - g. Destruction of record form(s)
4. The District shall inform the parents of a student with a disability when personally identifiable information is no longer needed to provide educational services to the student, and of the right to request the destruction of the records, other than those required to be maintained by this procedure. Some records are required to be retained as proof of compliance with federal grants. Appendix F.

VDE Rule 2120.8.12;
34 C.F.R. §300.624;
34 C.F.R. §§76.731

PROCEDURES: Juvenile Court Records

By Vermont law, within 7 days of the Court finding that a student has committed a “delinquent act requiring notice,” the Family Court shall provide written notice to the Superintendent for the school in which the student is enrolled. The written notice is required to bear the warning: “UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE UP TO \$2000.00” and the envelope containing the notice must be marked: “CONFIDENTIAL: TO BE OPENED BY THE SUPERINTENDENT OR HEADMASTER ONLY”.

33 V.S.A. §5118(c), (d)

- a. **Sharing of information.** The Superintendent shall inform only those in the school with a legitimate “need to know” of the delinquent act, and only after first evaluating rehabilitation and protection measures that do not involve informing staff or students. Persons with a “need to know” are strictly limited to only those who need the information for the student’s rehabilitation program or for the protection of staff or students. “Need to know” shall be narrowly and strictly interpreted. Persons receiving this information shall not, under any circumstances 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 by the Superintendent.

33 V.S.A. §5118(e)

- b. **Maintenance of records.** The notice from the Family 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 notice. 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.

33 V.S.A. §5118(g)

- c. The Superintendent annually shall provide training to school staff about the need for confidentiality of such information, and the penalties for violation of the notice.

33 V.S.A. §5118(f).

PROCEDURES: Staff Training.

Annually, the Superintendent shall ensure that training is provided to each member of the School Board and staff concerning his/her responsibilities to maintain confidentiality of information from student education records consistent with FERPA. Such a training shall be tailored to the scope of the staff or Board member's duties and, as appropriate, include presentation of information on:

- i. The maintenance and storage of education records;
- ii. Record keeping requirements regarding disclosure of students' education records;
- iii. The potential penalties both to the staff member and the school for inappropriate disclosure of a student's education record or personally identifiable information there from;
- iv. The definitions of "record," "education record," "directory information," "school official with a legitimate educational interest," and "personally identifiable information;"
- v. Where to receive advice and direction in circumstances where the Board or staff member's responsibilities in this regard are unclear; and
- vi. Potential issues arising from the use of electronic communications and records (including e-mail).

APPENDIX A

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

TO: All parents of students, and to eligible students (students who are 18 or over), in the Winooski schools:

1. As the parent of a student enrolled in a school in a member district of the Winooski School District, 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:
 - a. To inspect and review the student's education records within 45 days of the date the school receives the request. Parents or eligible students should submit the written request to the school principal (or special education administrator in the case of a special education record), that identifies the record(s) to which access is being requested.
 - b. To request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights. They should write to the school principal (or special education administrator if the record is a special education record) clearly identifying the portion of the record that they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will provide written notice to the parent or eligible student of the decision, advising them of their right to a hearing regarding the requested amendment, and including additional information about hearing procedures.
 - c. To provide consent prior 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.
 - d. 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 Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.
2. Under an exception to the prior consent rule, the Winooski School District and its schools have a policy of disclosing educational records to school officials with a legitimate educational interest without prior consent. **"School official with a legitimate educational interest"** includes any person employed by the District as an administrator, supervisor, teacher, service provider, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as, but not limited to, consultants, attorneys, auditors, insurers, evaluators); a parent or student or other volunteer servicing on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks (such as substitutes, assigned student teachers, interns, volunteers or teacher aides). A school official has a legitimate educational interest if the official needs to review the education record or personally identifiable information from the record in order to perform his or her official duties for the District. Where an issue is raised, the Principal, Special Education Director, or Superintendent, as appropriate, shall decide whether an individual has a legitimate educational interest in the information or record.

3. The District discloses education records to other schools/institutions that have requested the records and in which the 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. Upon your request, copies of the records forwarded will be provided to you. You may request a hearing as described in paragraph 1(c) above, for the purpose of amending records.

This Annual Notification of Rights is only a summary of rights. Your rights to inspect and review education records, and the school district's duty to have your written consent prior to disclosure of personally identifiable information, are subject to limitations. Further details are contained in the school district's detailed student record policy and procedures, and in State and federal law.

APPENDIX B

**WINOOSKI SCHOOL DISTRICT
ANNUAL NOTIFICATION OF DESIGNATION OF
DIRECTORY INFORMATION AND RIGHT OF REFUSAL**

TO: All parents of students, and to eligible students (students 18 or older), currently attending Winooski schools:

This is to provide notice that the Family Educational Rights and Privacy Act, a federal law, requires that Winooski School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Winooski schools may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill or program, showing your student's role in a play or musical production;
- The school yearbook;
- Honor roll or other recognition lists;
- Graduation programs;
- Announcements of honors, such as admission into the National Honor Society
- Sports activity sheets, such as for wrestling, showing weight and height of team members;
- Photographs in the school newspaper.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without parent or eligible student consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish the school yearbooks or similar publications.

In addition, two federal laws require school districts (including the Winooski School District) that receive funds under the Elementary and Secondary Education Act of 1965 to provide military recruiters, upon request, with three directory information categories: names, addresses and telephone listings – unless parents have advised the District that they do not want their student's information disclosed without their prior written consent.

The Winooski School District has designated the following information as directory information:

Student's name, address, telephone number; electronic mail address; photograph; date and place of birth; major field of study, grade level; enrollment status (e.g., graduate or undergraduate); participation in officially recognized activities or sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; and the most recent educational school attended.

If you are the parent of a student who is attending a Winooski school, or if you are a student 18 or older attending Winooski High School, you have a right to refuse to permit the designation of any or all of these types of information as directory information for your student, 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 student attends, on or before [annually: insert a date 10-15 working days beyond date of issuing the notice].

APPENDIX C

**PARENTAL PERMISSION FOR THE RELEASE OF
PERSONALLY IDENTIFIABLE INFORMATION**

To Parent/Guardian/Educational Surrogate or Adult Student:

If you sign this form, you are giving your permission for the release of records and/or personally identifiable information from your student's school records. 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. Records may be disclosed to the following party or class of parties:

IV. The purpose of this disclosure is:

_____ I voluntarily 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)

APPENDIX D

**WINOOSKI SCHOOL DISTRICT
RECORD OF ACCESS TO STUDENT EDUCATION RECORDS***

The following parties have requested and/or obtained information from the education records of this student. Where the requestor is an authorized State or federal official who intends to redisclose the information, they must take the additional steps required by FERPA with respect to such redisclosures. See 34 C.F.R. §99.32(a) and (b).

*NOTE: It is not necessary to record the names of parents, students, or school officials with a legitimate educational interest in the records, nor of people requesting access only to directory information, nor of a party who has written consent for release by the parent or eligible student. 34 C.F.R. §99.32(d).

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 record may be inspected by the parent, eligible student; school officials with a legitimate educational interest in the record and their assistants responsible for the custody of education records; and by those authorized by law to audit the record keeping procedures of the District.

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

APPENDIX E

**WINOOSKI SCHOOL DISTRICT
60 Normand Street
(802) 655-0485**

NOTICE OF LIMITATIONS ON DISCLOSURE AND REDISCLOSURE

The education records produced with this cover sheet contain personally identifiable information of a student. **This information is subject to strict federal disclosure and redisclosure limitations.** As the person/entity to which this disclosure is made, you are therefore put on notice as follows:

1. Disclosure of the enclosed records and the information in them is made to you upon the condition that the records and information will be used only by you (or, if the disclosure is to an organization or corporate entity, by employees, agents, or officers of the organization), and that it will be used solely for the purpose(s) for which it was disclosed to you or to the organization.

2. The information and records produced with this notice may not be redisclosed without prior written consent of the parents of the student (or consent of an adult student him/herself), unless such redisclosure is allowed by federal law and a record is made of the redisclosure if/as required by federal law. If you have any questions concerning your right to use or redisclose this information, please call:
_____ at _____.

APPENDIX F

**WINOOSKI SCHOOL DISTRICT
60 Normand Street
(802) 655-0485**

**NOTICE of RIGHT TO REQUEST DESTRUCTION
OF SPECIAL EDUCATION RECORDS**

Student Name

Date of Birth

Date

This is to let you know that the District no longer requires the information contained in the special education records of the above student, as the information is no longer relevant/needed for the student's education program.

You have the right to instruct the District to destroy such records. Please contact _____ at _____ if you have questions about this. If you wish to have the records destroyed, please send a written, dated, signed document to: _____, _____, _____, with those instructions.

Otherwise, these records will be stored by the District for an additional period of time pursuant to the District's record retention policy.

IMPORTANT: Please be advised that some of the information contained in these records may be needed later on for other purposes such as eligibility for Social Security Disability benefits.