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BURLINGTON SCHOOL DISTRICT PROCEDURE

PROCEDURE CODE C1P: STUDENT EDUCATION RECORDS: ACCESS, CONTROL, AMENDMENTS, AND DESTRUCTION

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Summary

This procedure is designed to help clarify BSD's responsibilities regarding Student Records and how families can request records.

Definitions

FERPA stands for the Family Educational Rights and Privacy Act, a U.S. federal law from 1974 that protects the privacy of student education records. Under FERPA, a student or guardian may request to review a student's record.

Public Records Request in Vermont is a formal demand made under the Vermont Public Records Act (1 V.S.A. §§ 315–320) to inspect or copy government documents and data. Requests for student records are not subject to the Vermont Public Records Act; they are superseded by FERPA.

Notification of Rights

Parents/guardians of a student enrolled in Burlington School District have certain rights concerning identifiable education records which the District maintains for each student. When a student turns 18, these rights transfer to the student. These rights are afforded by the Family Education Rights and Privacy Act (FERPA). In addition to being listed here, these rights are published and distributed annually through BSD's Calendar and Handbook.

Parent/Guardian and Eligible Student Rights

- To inspect and review the student's education records within a reasonable time (45 days provided by FERPA).

- To seek the correction of the student's education record if needed.
- To consent to disclosure of personally identifiable information from the student's education records.
- To file complaints regarding Burlington School District's alleged violation of FERPA with the U.S. Department of Education, Family Policy and Regulations Office, Washington, D.C. 20202.
- A school district/educational entity record request related to a student's transfer to a new school.

Requesting Student Records

A student's guardian may request to review a student's record until that student reaches the age of 18. At that time, the student must give permission to their guardian to access their records.

The requestor should reach out directly to their building administrator to request student records. The building administrator will contact the District's communication specialist for assistance in fulfilling this request. The administrator, or their designee, will work with the communication specialist to determine which staff have records that pertain to the student. The administrator, their designee, or the communication specialist will then ask all relevant staff to supply these records to the communication specialist. The communication specialist will review the records and provide redaction services for the school.

Once all records have been collected, reviewed, and redacted, the communication specialist will provide the records to the requestor. The communication specialist will inform the building administrator and the Superintendent of Schools that the request has been fulfilled.

Timeline

FERPA grants school districts up to 45 days to provide student records. BSD will try to fulfill requests sooner than this.

What is Provided

FERPA dictates that families can request any student records that have been maintained. This includes learning assessments, behavioral reports, copies of documents, etc. In some cases, electronic communication may also be considered a part of a student's record. In order for this to be the case, emails (or other electronic communication) must have been maintained (or filed away) in a dedicated folder in someone's email, their Google Drive, or on their hard drive. *Please note that loose, unfiled, miscellaneous, or previously deleted emails are not considered to be "maintained documents" and are therefore not subject to FERPA requests.*

Requesting Amendment of Educational Records

Parents/guardians or the eligible student must request Burlington School District amend their student's records. They should identify the part of their record they want amended and specify why they believe it is inaccurate, misleading, or in violation of the student's privacy or other rights. Parents/guardians or the eligible student should reach out directly to their building administrator to start this process.

Disclosure of Information without Consent of Parent/Guardian

Burlington School District will disclose information from a student's record without the parent/guardian's consent in accordance with the exceptions to consent permitted by FERPA, 99 CFR §99.31.

Directory Information

The District may disclose information designated as "Directory Information" unless the parent/guardian notifies the District that the information cannot be released. The following information is Directory Information: name of parent/guardian and address, email address, student name, address, telephone number, date of birth, gender, weight and height of members of athletic teams, participation in activities recognized by the District, dates of attendance, degrees and awards received, yearbook picture, class pictures, most recent previous school attended and the school to which the student transferred, if applicable. This information may be disclosed at the discretion of District administrators or the school principal.

Limiting the Disclosure of Directory Information

If you do not wish Burlington School District to disclose information without your consent, parents/guardians or an eligible student must submit a written request to be received by the student's school principal within 10 working days of the date of the distribution of BSD's yearly notice in the Calendar and Handbook, or the date of the student's enrollment, whichever comes later.

Disclosure to School Officials with a Legitimate Educational Interest

In accordance with FERPA and its regulations, and with the School Board Policy and Procedure, the District will release educational records to teachers and other school officials with a legitimate educational interest. They are:

- A person performing a task that is specified in their position description or by a contract agreement.
- A person performing a task related to a student's education.
- A person performing a task related to the discipline of a student.
- A person providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.
- A person performing a task related to a student's attendance at school or other matter requiring law enforcement involving students.
- A person performing a task related to ensuring the safety and security of the District, including its students.

Retention and Destruction of Records

Burlington School District follows the "State of Vermont Record Schedules for Supervisory Unions." The record schedule includes detailed directions as to how long a school district should retain certain records. This list includes, but is not limited to, directions for the records listed below which are frequently asked about.

Special Education Records

As outlined in the schedule, Student Special Education Records related to authorizations, decisions, record access logs, registers, reports, and requests will be retained for a minimum of five years after the document's completion date. The Vermont Department of Education's State Board of Education Manual of Rights and Practices, Section 2365.2.13(a) Destruction of Information, states:

> *"For purposes of an audit, when a participating agency has counted a child to justify receipt of IDEA funds, the district shall retain copies of the child's IEP and Special Education eligibility evaluations, for a minimum of FIVE YEARS from the time the student reaches the age of 22, graduates, transfers, or withdraws from the school district or the last date of services, whichever is sooner."*

Medicaid Reimbursement Documents

Documents related to partnerships with other agencies serving students and Medicaid reimbursement must be held for at least 10 years after the document's completion date.

Transcripts

As outlined in the schedule, Transcripts must be retained "Life of Asset Ends." This means BSD is not permitted to destroy a former student's permanent transcript for any reason.

Clerical Information

BSD Version:	*BSD C1 Education Records Procedure*
Date Adopted:	*When was this adopted*
Legal Reference(s):	*20 U.S.C. §§ 1232g (Federal Family Educational Rights and Privacy Act of 1974); 20 U.S.C. § 790816; V.S.A. § 563(27) (NCLBA Armed Forces Recruiter/Higher Education Access); 34 C.F.R. Part 99; 1 V.S.A. § 317 (Definitions); 15 V.S.A. § 670 (Non-custodial parents); 33 V.S.A. § 5536a (Juvenile court records); VT State Board of Education Manual of Rules and Practices § 2113*
Policy Reference:	*Education Records (C1)*