

NOTICE OF RIGHTS  
CONCERNING STUDENT RECORDS

To Parents of Students Enrolled in the  
Burlington School District and  
Eligible Students

As a parent of a student enrolled in the Burlington School District, (or as an ♦ eligible student), you have certain rights concerning the personally identifiable educational records which the District maintains for your student (you). These rights are afforded by: the Family Educational Rights and Privacy Act (FERPA), also known as the "Buckley/Pell Amendment" and its implementing regulations at 34 C.F.R. Part 99; the Education of Handicapped Children Act, also known as PL 94-142; and the policy and procedures of the Burlington Public Schools; all as they may be amended from time to time.

Parents and eligible students have a right:

- 1) To inspect and review the student's education records within a reasonable time of such a request, including. (See below)
- 2) To seek the correction of the student's education record if the record is believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights through a request to amend them, or through a hearing procedure provided by law. (See below)
- 3) To consent to disclosure of personally identifiable information from the student's education records, except where disclosure is permitted without consent pursuant to FERPA, its implementing regulations and Board Policy and Procedure. (See below)
- 4) To file complaints, regarding the Burlington Public Schools' alleged violation of FERPA, to the U.S. Department of Education, Family Policy and Regulations Office, Washington, D.C. 20202.

PROCEDURE FOR INSPECTION AND REVIEW OF EDUCATIONAL RECORDS.

See Education Records, Procedures, II. B., Procedure for Record Inspection:

1. Parent(s), the eligible student, or the student may be required to submit to the student's school principal (or his/her designee) a written request which identifies as precisely as possible the record or records he or she wishes to inspect and review.

2. The principal or other appropriate school official will make the needed arrangements for access as promptly as possible and notify the parent(s) eligible student or student who is making the request of the time and place where the records may be inspected. The records will be inspected and reviewed in the presence of a

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♦ When a student reaches the age of 18 or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent shall thereafter only be accorded to and required of the student by law, unless the student is a dependent as defined by Section 152 of the Internal Revenue Code.

designated school official. All reasonable efforts will be made to provide access within 5 working days or less from the receipt of the request, but in not more than 45 days, unless the District has been provided with evidence of a court order, state statute, or legally binding document relating to divorce, separation or custody which specifically revokes a parent's rights under the Act. If circumstances effectively prevent the parent or eligible student from inspecting and reviewing the records, the District will provide a copy of the requested record or make other arrangements for inspection and review.

3. In the event the request to inspect and review records is made prior to a meeting regarding the individualized education program or hearing relating to the identification, evaluation or placement of a child, the District will comply with the request without unnecessary delay and before the meeting or hearing occurs. In the event the request to inspect and review regards the identification, evaluation and placement of a child, any request for records should be submitted 15 days before the scheduled meeting or hearing.

4. When a record contains information about a student(s) other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to the other student(s).

5. Once a request has been made to review an education record, the District will not destroy that education record until the request to review has been addressed and the procedure set out in part X below followed.

## PROCEDURE FOR REQUESTING AMENDMENT OF EDUCATIONAL RECORDS

### See Education Records, Procedures, VIII. B, Procedure for Amending Education Records:

Step 1. Parents or the eligible student must request that the Burlington School District amend their student's records. In so doing, they should identify the part of their record that they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights. The principal of the school attended by the student will meet with the complaining parent(s) or eligible student within ten (10) working days of receipt of the request and will issue a written reply within five (5) working days of the meeting.

Step 2. The principal may or may not comply with the request. If he/she agrees with the request, he/she will amend the student record in a timely manner and so notify the parent or eligible student. If he/she decides not to comply, then he/she will notify the parents or eligible student in writing of the decision and advise them of their right to a full and fair hearing, including the opportunity to be represented by counsel or other individuals at their own expense and present relevant evidence, to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. The principal shall also provide the parents/eligible student with a copy of the Policy and Procedure and provide the name and address of where to submit a request of a hearing.

Step 3. Upon the parent(s) or eligible student's dated, written request for a hearing to the Superintendent of the Burlington School District, 152 Colchester Avenue, the Superintendent or designee will arrange for the hearing, and notify the parent(s) or eligible student, in writing and reasonably in advance of the date, place, and time of the hearing to challenge information in education records alleged to be inaccurate, misleading or otherwise in violation of privacy or other rights of the child.

The hearing will be conducted by the Superintendent or designee who must be a disinterested party. The parent(s) or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parent(s) or eligible student may be assisted by one or more individuals, including an attorney at their own expense.

Step 4. The Superintendent or designee will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented, the reason for the decision and will be issued in a reasonable period of time after the hearing.

If the Superintendent or designee decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, he/she will amend the records and notify the parent(s) or eligible student, in writing, that the record has been amended.

If the Superintendent or designee decides that the challenged information is accurate, not misleading, or does not, within the provisions of the Family Educational Rights and Privacy Act (FERPA), the Education of the Handicapped Act (EHA-B), or other applicable law and procedures, violate the student's privacy or other rights, he/she will notify the parent(s) or eligible student that they have a right to place in the record a statement setting forth his/her or their reasons for disagreeing with the decision.

The statement described above will be maintained as part of the student's education records as long as the contested portion is maintained. If the Burlington School District discloses the contested portion of the records, it will also disclose the statement.

### DISCLOSURE OF INFORMATION FROM EDUCATIONAL RECORDS WITHOUT PARENTAL CONSENT

The Burlington School District will disclose information from a student's record without the parent's consent in accordance with the exceptions to consent permitted by FERPA, 99 CFR §99.31 and the Board's Policy and Procedures on Education Records, F 3R. Three of the several exceptions are described below:

1. **Directory Information:** The District may disclose information designated as "Directory Information" unless the parent notifies the District that the information cannot be released. The following information is Directory Information: name of parent(s)/legal guardian and 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, and information, most recent previous school attended and the school to where the student transferred, if applicable. This information may be disclosed at the discretion of the school principal or director of guidance. Lists of student names or other information will not be made available as Directory Information; except to a specific school PTO or class PTO designee (e.g. room mother) also at the discretion of the Principal.

To Limit the Disclosure of Directory Information. If you do not wish the Burlington School District to disclose, without your consent, any of the information designated as "Directory Information", the parent or eligible student must submit a written request. The written request must be received by the student's school principal within 10 working days of the date of the distribution of this notice or the date of the student's (your) enrollment, whichever comes later. The written request must state specifically the Directory Information which should not be disclosed. If no written request is received in a timely manner, the District may disclose Directory Information about the student without consent.

The federal No Child Left Behind Act requires the District to release to military recruiters and/or institutions of higher learning, upon their request, the name, address and telephone number of students in Grades 9-12 and eligible student. Parents and eligible students have the right to request that District not release this Directory Information, using the procedures described in the paragraph above. If so requested, the District will not release the information.

**2. Disclosure to Teachers and Other School Officials with a Legitimate Educational Interest.**

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

These terms are as follows:

School Official -

- a. A person employed by the District as an administrator, supervisor, instructor, or support staff member; or
- b. A person elected to the School Board acting on behalf of the Board; or
- c. A person employed by, under contract to, or serving under a Memorandum of Understanding, who is obligated to the District to perform special tasks, such as an attorney, auditor, medical consultants, law enforcement officer or therapists.

School Official with Legitimate Educational Interest -

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

**3. Disclosure to Other Institutions at Which the Student Expects to Enroll**

The District will release educational records to those institutions and or agencies at which the student expects to enroll upon the request of the institution.

BURLINGTON SCHOOL DISTRICT  
BURLINGTON, VERMONT 05401

REQUEST FOR STUDENT RECORDS AND  
AGREEMENT NOT TO FURTHER DISCLOSE STUDENT RECORDS

The following parties have requested and/or obtained information from the education records of this student.

**[To be completed by persons other than parents, eligible students, students, authorized employees of the School District with legitimate educational interest, persons requesting Directory Information, or persons authorized by written consent of parent or eligible student. 34 C.F.R. 99.32(d), 300.563.]**

- REMINDER: 1. Remove information on all other students from the record or any standardized test questions prior to disclosing information on this student.**
- 2. If this disclosure is to and includes personally identifiable information, further disclosure to additional parties may be made. However, the names of the additional parties must be listed herein and the additional parties legitimate educational interest must be listed herein. 34 C.F.R. 99.32(b), 99.33(b).**
- 3. If the request for information is granted, include with the information a copy of Notice of Limitations, see App. VI. 34 C.F.R. 99.33(d).**

On \_\_\_\_\_, I, \_\_\_\_\_,  
(date) (Requestor)

requested disclosure of the following personally identifiable information from the education records of \_\_\_\_\_ (student) for the purpose of \_\_\_\_\_.

Information Requested: \_\_\_\_\_.

I understand and agree that I have received this information on the condition that I will not further disclose this information to any other party without the prior consent of the student's parent or the student if he/she is an eligible student, as required by 20 U.S.C. 1232g(b)(4)(B), 34 C.F.R. 99.33, except as provided below. In addition, I agree that I, my office employees and agents will use the requested information only for the purposes stated above and will destroy the information when it is no longer needed for said purposes. 34 C.F.R. 99.35(b).

In the event the information disclosed to me does not require the prior consent of the parent or eligible student, as indicated in Part V of the Burlington School District's Student Records Procedure, I will only redisclose such information to parties described in Part V and for legitimate purposes as described in Part V as I have stated below:

Additional parties to whom information may be disclosed:

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Legitimate interest of additional parties:

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Requestor's Signature

Request \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_.  
(granted/denied) (date) (print name)

**Original with Student's Education Records.**

BURLINGTON SCHOOL DEPARTMENT  
BURLINGTON, VERMONT 05401

\_\_\_\_\_, \_\_\_\_\_  
(School) (Address) (Telephone Number)

CONSENT FOR THE RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION  
(REQUIRED, 34 C.F.R. 99.30)  
(Not to be Used for College Transcript Request.)

This Consent Form must be filled out and submitted to the District before the District can comply with the parent or eligible student's request to release information, other than Directory Information, to a third party. 34 C.F.R. 99.30, F.R. Vol. 53, No. 69, 4/11/1989 at 11954.

I. Specifications of the education records to be disclosed:

\_\_\_\_\_  
\_\_\_\_\_

II. The purpose(s) of disclosure is/are:

\_\_\_\_\_  
\_\_\_\_\_

III. Describe the party or class of parties to whom the disclosure may be made:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Eligible Student

Copies of the Disclosed Education Record(s) are available upon request to parent(s) or eligible student(s).  
**[Note: Records including standardized test questions or in names of or information regarding other students may not be disclosed. 34 C.F.R. 99.30(c).]**

If you have any questions regarding this request, please call

\_\_\_\_\_ at \_\_\_\_\_.  
(job title)

\_\_\_\_\_  
School Name

\_\_\_\_\_  
Address

REQUEST FOR TRANSFER OF EDUCATION RECORDS

\_\_\_\_\_  
Date

Dear Counselor/Principal:

\_\_\_\_\_, date of birth \_\_\_\_\_, has enrolled in our school in the \_\_\_\_\_ grade. Would you please send, as soon as possible, the original transcript of grades, health record, attendance record, IEP or Multi-Year Plan, psychological and medical reports, and all other information that is part of the education record. Please include grades earned to time of withdrawal and an explanation of your grading system.

Sincerely,

\_\_\_\_\_  
AUTHORIZATION TO RELEASE PUPIL'S RECORDS

I have enrolled my child, \_\_\_\_\_, in the above school and authorize you to release education records to this school.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student signature or parent or guardian if student is not 18 years of age.

letterhead

(School Letterhead)

DATE:

ADDRESS:

Dear:

According to the Burlington School District policy on Educational Records, Special Education and 504 records will be maintained for 7 years after the student's 21<sup>st</sup> birthday or date of graduation, whichever occurs first.

After \_\_\_\_\_ date, Special Education and 504 records of Burlington School District students born on or before \_\_\_\_\_ (7 years prior) will be purged. If you attended a school in the Burlington School District, were born on or before \_\_\_\_\_, and wish to collect your special education records, you must notify the Administrative Assistant in the last school attended within the Burlington School District.

Please note: these records may include reports, evaluations and other materials that would be useful to you or your child in other important matters. If you wish to review the records to determine whether there are records you wish to keep, you may call or write to arrange to review and inspect the records at the school.

**WE NEED TO HEAR FROM YOU NO LATER THAN \_\_\_\_\_. IF WE DO NOT HEAR FROM YOU ON OR BEFORE THAT DATE, THE RECORDS WILL BE DESTROYED.**

Please note that this refers to Special Education and 504 records. According to the Burlington School District Policy on Educational Records, the student's academic record will be kept in perpetuity.

Sincerely,

CC: Student File

**BURLINGTON SCHOOL DISTRICT  
Burlington, Vermont 05401**

**NOTICE OF  
LIMITATIONS ON REDISCLOSURE  
OF PERSONALLY IDENTIFIABLE EDUCATION RECORDS**

Pursuant to the Family Educational Rights and Privacy Act of 1976, (FERPA), the enclosed personally identifiable information from the education records of a Burlington School District student is disclosed only on the condition that

**YOU WILL NOT DISCLOSE THIS INFORMATION TO ANY OTHER  
PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE PARENT  
OF THE STUDENT OR THE ELIGIBLE STUDENT**

- except that it may be used by your offices, employees and agents, but only for the purposes for which the disclosure was made.