

**BURLINGTON SCHOOL DISTRICT
POLICY F 3R: EDUCATION RECORDS**

Former Policy JO

The Burlington School District recognizes the importance of keeping accurate and appropriate education recordsⁱ 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 informⁱⁱ 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.ⁱⁱⁱ

The building principal or other designee 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.^{iv}

^v *The federal Family Educational Rights and Privacy Act (FERPA) does not explicitly require a school board policy on the protection of student records. Its requirements are stated in the negative... "no funds shall be made available to any educational agency...which has a policy of denying...the right of parents...to review and inspect educational records. 20 U.S.C. 1232g; 34 C.F.R. Part 99. Nor does the State Board Manual of Rules and Practices explicitly require a school board policy on student records. "Each school shall develop and implement a system of maintaining student records...which is in compliance with FERPA." SBE Rule 2120.8.3.3.*

ⁱ 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.

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

iii 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. “The Burlington School District designates the following information as Directory Information regarding individual students: 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 pictures, and information, class pictures, 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. 34 C.F.R. 99.3, 20 U.S.C. 1232g(a)(5)(A).

iv 12 U.S.C. §1232g; 34 C.F.R. §99.3.

Legal Reference(s): 20 U.S.C. §§1232g (Federal Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 7908
16 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 §2120.8.3.3

Cross References:

Child Abuse and Neglect, H 2

Solicitation in Schools, H 5

Videotaping/Filming/Photography of Students, F 27

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