

F 3R PROCEDURES

I. DEFINITIONS:

A. Definitions for the Purpose of the District's Policy and Procedure:

For the purposes of this policy, the Burlington School District will use the following definitions of terms:

1. Destruction - physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. 34 C.F.R. part 300.560.
2. Disclosure - means to permit access to or release, transfer, or communicate education records including any personally identifiable information, by any means including oral, written or electronic means. 20 U.S.C. 1232g(b)(1), 34 C.F.R. pt. 99.3.
3. Disciplinary action or proceeding – means the investigation, adjudication , or imposition of sanctions by the district or any of its agents as the result of a student(s) violation of the District’s rule of conduct applicable to students. 34 C.F.R. 99.3
4. Education records - any record (in handwriting, print, video or audio tape, film, microfilm or other medium) maintained by the Burlington School District or an agent of the district which is directly related to a student, except:
 - a. A personal record kept by a school staff member if it is kept in the sole possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.
 - b. An employment record which is used only in relation to a student's employment by the Burlington School District. However, where a currently attending student is employed as a result of his/her status as a student, records relating to that student are education records, and will be treated as such. 34 C.F.R. p. 99.3 ER. 3(ii).
 - c. Alumni records which contain information about a student after he or she is no longer in attendance at the District and the records do not relate to the person as a student. 34 C.F.R. 99.3.
 - d. Records on an eligible student (see definition below) or a student attending a post secondary institution that are made by a doctor or other recognized professional or para professional in their professional capacity for purpose of treating student and disclosed only to the individuals providing treatment. "Treatment" does not include remedial educational activities or activities that are part of the program's instruction. 34 C.F.R. 99.3.
 - e. Records of the Burlington School District’s law enforcement unit which may be staffed by Burlington Police Department Officers designated as School Resource Officers. 34 C.F.R. 99.3, Education Records, (b)(2).
 - f. Records that only contain information about a person after she or she is no longer a District student.

5. Eligible student - a student or former student who has reached age 18 or is attending a post-secondary school. 34 C.F.R. 99.4. An eligible student has the same rights of review, inspection, and consent accorded to a parent. 34 C.F.R. 99.5(a).

6. Law Enforcement Unit – means any subdivision of the District, any individual, security guards or unit of commissioned police officers that the District has authorized to :
-Enforce federal, state or local laws or to refer matters to the appropriate authorities for enforcement; and
-Maintain the security and safety of the District. 34 C.F.R. 99.3.

7. Parent - either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. [School official may request identification] 34 C.F.R. 99.3. Full FERPA rights will be accorded to both the custodial and the non-custodial parent unless the District has received evidence of a court order, state statute or legally binding document relating to divorce, separation or custody that specifically revokes the FERPA rights. 34 C.F.R. 99.4. 15 V.S.A. §670 (Non-custodial parents)

8. Personally Identifiable Information - Education records which may be related to a student by any of the following:

- a. The student's name;
- b. The name of the student's parent or other family member;
- c. The address of the student or his family;
- d. A personal identifier such as the student's social security number or a student number;
- e. A list of personal characteristics which would make the student's identity easily traceable;
- f. An individual photographic image of the student; or;
- g. The above information or other information which in the discretion of the principal would make the student's identity easily traceable.

20 U.S.C. 1232g; 34 C.F.R. pt. 99.3

9. Records of Law Enforcement Unit - means records, files, documents and other material that are created by a member of the Law Enforcement Unit for a law enforcement purpose and maintained by the Unit. Such records do not include records created for non- law enforcement purposes such as District disciplinary actions or proceedings. Any educational records which are in the possession of the Law Enforcement Unit will maintain their status as education records, including, but not limited to, disclosure restrictions.

10. 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 by a Memorandum of Understanding, is obligated to the District to perform a special task, such as an attorney, auditor, medical consultants, law enforcement officer or therapists.

34 C.F.R. 99.31, 34 C.F.R. 99.6(a)(4)

11. 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 the student.
- f. A person performing a task related to ensuring the safety and security of the District, including its students. 34 C.F.R. 99.31, 34 C.F.R. 99.6(a)(4)

12. Student - any person who attends or has attended a school in the Burlington School District. 20 U.S.C. 1232g(a)(6), 34 C.F.R. 99.3.

II. RIGHTS AND PROCEDURES RELATING TO INSPECTION OF EDUCATION RECORDS:

A. Right to Inspect and Review Education Records:

1. Parents of students, eligible students, and students have the right to inspect and review the student's education records upon request, except as discussed below. 20 U.S.C. 1232g, 34 C.F.R. 99.5(b), 34 C.F.R. 99.6, 99.10; 34 C.F.R. 300.562; State of Vermont Special Education Rules, § 2364.31.

2. The right to inspect and review includes the right to a response from the District to reasonable requests for an explanation and interpretation of the record. Where the record relates to State Assistance for the education of handicapped children, the parent has the right to have a representative of the parent inspect and review the record. 34 C.F.R. 99.10(c); 34 C.F.R. 300.562(b)(1).

3. At the time a student turns 18 years of age, and thereby becomes an eligible student, the rights of inspection and review previously accorded the parents are transferred to the eligible student and shall be accorded only to the eligible student, 20 U.S.C. 1232g(d), except as provided herein. Parents of eligible students shall continue to have the right to inspect and review their child's educational records as long as the student remains a "dependent" as defined by section 152 of the Internal Revenue Code of 1954. F.R. Vol., 53, No. 69 4/11/1989 p. 11953, re § 34 C.F.R. 99.10, 34 C.F.R. 99.31(8).

4. The school principal at his or her discretion may extend additional rights of inspection and review of student records to parents, eligible students and students as long as such an extension does not violate eligible student's rights or parent's legal rights.

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 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. 34 C.F.R. 99.4, 34 C.F.R. 99.10(b). 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. 34 C.F.R. 99.10 (d).

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. 34 C.F.R. 300.562(a).

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). 34 C.F.R. 99.12(a); 34 C.F.R. 300.564.

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. 34 C.F.R. 99.10(e).

C. Refusal to Provide Copies:

The Burlington School District will provide copies of records upon request, except for portions of records including standardized test questions and information regarding other students, at a fee reflecting the cost of copying and postage. Copies will be provided at no charge if the fee will effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education record. 34 C.F.R. 99.11.

D. Fees for Copies of Records:

The fee for copies will be .20/page and may be adjusted as needed to reflect actual costs. 34 C.F.R. 99.11; 34 C.F.R. 300.567. There will be no charge for the first three copies of transcripts and supporting material for college admissions or employment purposes. Thereafter, charges for transcripts and related material will be \$2.00 per request.

III. ANNUAL NOTIFICATION OF FERPA RIGHTS:

A. Method of Notification:

Eligible students and parents of students, currently attending District Schools, will be notified of their FERPA rights annually. Such notification may be accomplished by publication of the Annual Notice in the individual school's Student Handbooks and/or the District's Calendar, or by inclusion of the Notice each year in the schools' parent communication (memo, newsletter) or any other method reasonably likely to inform parents.

B. Content of Annual Notice:

See Attached "Notice of Rights" Appendix I.

IV. TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS:

The following is a list of the types of records that the District maintains, their locations, and their custodians. The District will provide to parents, upon request, a list of the types and locations of education records collected, maintained or used by the agency. 34 C.F.R. 99.6(a)(2), 34 C.F.R. 300, 565.

<u>Location</u>	<u>Custodian</u>	<u>Types</u>
Barnes Elementary School Principal's Office 129 North Street Burlington, VT 05401	Principal	Cumulative School Records Academic Records Personal Records Special Ed. Records Compensatory Ed. Records Attendance Records Anecdotal Records Health Records Student Department and Conduct Correspondence Extra Curricular Records Occasional Records*
Champlain Elementary School Principal's Office 800 Pine Street Burlington, VT 05401	Principal	“ “
Edmunds Elementary School Principals' Office 299 Main Street Burlington, VT 05401	Principal	“ “

* Occasional Records are student educational records not identified above which are in possession of the superintendent's office, school attorney or individual teacher.

Flynn Elementary School Principal's Office 1645 North Avenue Burlington, VT 05401	Principal	"	"
Smith Elementary School Principal's Office 332 Ethan Allen Parkway Burlington, VT 05401	Principal	"	"
Wheeler Elementary School Principal's Office 6 Archibald Street Burlington, VT 05401	Principal	"	"
Edmunds Middle School Guidance Office 275 Main Street Burlington, VT 05401	Guidance Counselor	"	"
Hunt Middle School Guidance Office 1364 North Avenue Burlington, VT 05401	Guidance Counselor	"	"
Burlington High School Guidance Office 52 Institute Road Burlington, VT 05401	Guidance Director	"	"
Burlington Technical Center 52 Institute Road Burlington, VT 05401	Area Guidance Coordinator	"	"
ON TOP 14 South Williams Street Burlington, VT 05401	Director	“	“
The Horizon School (BHS Alternative Program) Director's Office Burlington, VT 05401	Director	“	“
Essential Early Education 150 Colchester Avenue	Director	"	"

Burlington, VT 05401

District Offices
150 Colchester Avenue
Burlington, VT 05401

Superintendent

"

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V. DISCLOSURE OF EDUCATION RECORDS:

A. Limited Disclosure of Personally Identifiable Information Without Consent:

The Burlington School District will disclose personally identifiable information from a student's education records only with the written consent of the parent or eligible student, (34 C.F.R. 99.30, 34 C.F.R. 300.571) except:

1. To school officials who have a legitimate educational interest in the records; 34 C.F.R. 99.31(a)(1).
2. To officials of another school in which a student seeks, intends to, or is enrolled, or receives services from, upon request of such official. Upon request, the parent or eligible student may obtain a copy of the disclosed record and have an opportunity of a hearing under Section IX herein; 20 U.S.C. 1232g(b)(1)(B); 34 C.F.R. 99.31(a)(2), 99.34(a)(2).
3. To authorized representatives of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with the audit, evaluation or compliance with legal requirements of state or federally supported education programs. See part D below; 34 C.F.R. 99.31(a)(3).
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid; 34 C.F.R. 99.31(a)(4).
5. If the disclosure is to state and local authorities and is specifically allowed to be reported by state statute enacted prior to November 19, 1974 so long as the allowed reporting concerns the juvenile justice system and the system's ability to effectively serve the student; 34 C.F.R. 99.31(a)(5)(I).
6. If the disclosure is to state and local authorities and is allowed to be reported by state statute adopted after November 19, 1974, subject to the redisclosure of information limitations of 34 C.F.R. 99.38 34 C.F.R. 99.31 (a)(5)(i)(B).
7. To federal, state and local organizations conducting certain studies for or on behalf of the educational agencies or institution to develop, validate or administer predictive tests, administer student aid programs or improve instruction. The District may only disclose information if the study does not allow personal identification of the student or the parents except to representatives of the organization conducting the study and the information is destroyed when it no longer has value for the purposes of the study; 34 C.F.R. 99.31(a)(6).
8. To accrediting organizations to carry out their functions; 34 C.F.R. 99.31(a)(7).
9. To parents of an eligible student who claim the student as a dependent for income tax

purposes as defined by Section 152 of the Internal Revenue Code of 1954; 34 C.F.R. 99.31(a)(8).

10. To comply with a judicial order or a lawfully issued subpoena only after having made a reasonable effort to notify the parent(s) or eligible student of the order or subpoena unless the District is complying with a Federal Grand Jury subpoena or for another law enforcement purpose and the court or issuing agency has ordered that the existence and content of the subpoena or order are not to be disclosed 34 C.F.R. 99.31(a)(9).

11. To appropriate parties in a health or safety emergency where knowledge of information is necessary to protect health and safety of the student or other individuals; 34 C.F.R. 99.31(a)(10), 34 C.F.R. 99.36.

12. Disclosure of Directory Information as designated by the District - 34 C.F.R. 99.31(a)(11), 34 C.F.R. 99.37(b); See Part VI, A, below for designated Directory Information. 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 will be notified that they have the right to request that District not release this information and if so requested, the District will not release the information.

13. To the parent of a student who is not an eligible student or to the student; 34 C.F.R. 99.31(a)(12).

14. After making a reasonable effort to notify the parent or eligible student sufficiently in advance to allow for the obtainment of a protective order, the District may disclose educational records of the student to the court as they pertain to District legal action against the parent of eligible student. 20 U.S.C. 1232g(b)(1), (2), (3).

B. Notice to Receiving Party of Limitations on Re-Disclosure:

Whenever personally identifiable information is released under Sections 1-13 above, the receiving party will receive notice of the limitations on redisclosure of information as described in Part VIII. 34 C.F.R. 99.33(a), (d).

C. Disclosure to other Educational Institutions or Agencies:

1. If the District is going to disclose personally identifiable information regarding a student to officials of another school, school system or post secondary institution where the students seeks or intends to enroll, the District shall:

- a. upon request, give parent or eligible student a copy of the record disclosed; 34 C.F.R. 99.34(a)(2); and
- b. give parent or eligible student, upon request, an opportunity for a hearing under Part IX of the District's Student Records Procedure. 34 C.F.R. 99.34(a)(3).

2. The District may disclose an education record of an attending student to another educational agency or institution if the student is enrolled or receives services from the other agency or institution and the disclosure is in accordance with paragraph one above. 20 U.S.C. 1232g(b)(1)(B). 34 C.F.R. 99.34(b).

D. Disclosure to Federal and State Authorized Representatives:

When the District collects and discloses information under Part V(A)(3) above of this procedure to such authorized representatives for the purposes of auditing, evaluating or ensuring legal compliance of Federal or State supported education programs, only the authorized representatives may have access to personally identifiable information and they will destroy the information when it is no longer needed for said purposes, unless the parent or eligible student has given prior consent or the collection of personally identifiable information is authorized by federal law. 20 U.S.C. 1232g(b)(3); 34 C.F.R. 99.35(b).

E. Disclosure of Disciplinary Information:

Information and records concerning disciplinary action taken against a student for conduct which posed a significant risk to the safety or well-being of the student, other students or to other members of the school community may be included in the student's educational record. Such information may be disclosed to District teachers and school officials and teachers and school officials of other schools who the District has determined to have a legitimate educational interest in the behavior of the student. 39 C.F.R. 99.36(b).

VI. DESIGNATION OF DIRECTORY INFORMATION AND ITS DISCLOSURE

A. Designation of Directory Information:

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 as self identified, 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).

Cross Reference: See Policy F 27 - Videotaping/Filming/Photographing of Students.

B. Disclosure of Directory Information:

1. The District will give public notice to parents of attending students and eligible students of the types of personally identifiable information which the District has designated as Directory Information. See Part III, A and Appendix I, section 4(b).

2. The District will notify parents and eligible students of their right to refuse to allow the District to designate any or all of that information as Directory Information as to that student. See Part III, A and Appendix I, section 5.

3. The District will notify parents or eligible students that they have 10 working days from

the date of distribution of the notification or date of enrollment, whichever comes later, to notify the principal of the students' school, in writing, of the information about the student which should not be designated as Directory Information or released to the military recruiters and or institutions of higher learning. See App. I, Section 5. If parents/guardians wish to limit the publication of information pertaining to their child, they should also complete and return Videotape/Film/Photograph Permission Form.

34 C.F.R. 99.37.

4. Once the District has complied with the previous notice requirements, and if it has not timely received written notification from the parent(s) or eligible student limiting disclosure, the District, may disclose Directory Information at the discretion of the school principal or director of guidance, without the prior written consent of the parent(s) or eligible student. 34 C.F.R. 99.37, 34 C.F.R. 99.31a(11).

5. The District need not comply with the above paragraphs to exercise its discretion to disclose Directory Information about former students. 34 C.F.R. 99.37.

VII. RECORD OF REQUESTS FOR DISCLOSURE OF RECORDS

A. Maintenance of Record of Requests for Records Disclosure:

1. The Burlington School District will maintain a record of all requests for and/or disclosure of information from a student's education records, except requests for and/or disclosure of information to the parent(s) or student, a school official, a party with written consent from the parent or eligible student, in response to a subpoena from a Federal Grand Jury, a court or other issuing agency which has ordered that the existence or contents of the subpoena not be disclosed, or requests for Directory Information. 20 U.S.C. 1232g(b)(4); 34 C.F.R. 99.32(c), (d); 34 C.F.R. 300.563. The record will indicate the name of the party making the request; any additional parties to whom the information may be disclosed, including the additional parties' legitimate interest in obtaining the information; and the legitimate interest the requesting party had in obtaining the information. The date of the granting or denial will also be indicated. See Part VIII below, Appendix II, Request for Student Records and Agreement Not to Further Disclose Student Records. 34 C.F.R. 99.32(a)(3), (b); 34 C.F.R. 300.563.

2. The Records of Requests may be reviewed by the parents or student, the school official responsible for custody of the records, school officials with legitimate educational interests and officials involved in the auditing and/or evaluation of State and Federal Funded Programs. 34 C.F.R. 99.32(c)(3) and 99.35(a).

3. The District will maintain the Records of Requests with the student's other educational records as long as the educational records are maintained by the District. 34 C.F.R. 99.32(a)(2).

VIII. LIMITATIONS APPLICABLE TO DISCLOSURE AND REDISCLOSURE OF INFORMATION

1. The District, when it discloses personally identifiable information from an education record (other than to a parent, student or eligible student or Directory Information) makes such

disclosure conditional on the requesting party's agreement not to disclose the information to any other party without the prior consent of the parent or eligible student except as stated below. 20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1), 99.33(c)(d). See Appendix VI, Notice of Limitations of Redisclosure of Personally Identifiable Information. See Appendix II, Request for Student Records and Agreement Not to Further Disclose Student Records, and Appendix III, Parental Consent. School Officials who receive personally identifiable information will be notified of their obligation not to redisclose such information without prior written consent of parent or eligible student. See Appendix VI, Notice of Limitations of Redisclosure of Personally Identifiable Information.

2. Paragraph one above does not prevent the District from disclosing personally identifiable information to a party which may make further disclosure of such information on behalf of the District if the disclosure meets the requirements of Part V of this Procedure (34 C.F.R. 99.31) and the District complies with the following procedures:

- a. The Record of Request must contain the names of the additional parties to which the receiving party may disclose the information. (34 C.F.R. 99.33, 99.32(b)); and
- b. The legitimate interests under 34 C.F.R. 99.31 which each of the additional parties has in requesting or obtaining the information. (34 C.F.R. 99.32(c))

See Appendix II Request for Student Records and Agreement Not to Further Disclose Student Records.

IX. AMENDMENT OF EDUCATION RECORDS

THIS PROCEDURE IS NOT DESIGNED TO BE USED TO CHALLENGE THE ACCURACY OF GRADES AWARDED FOR COURSE WORK.

34 C.F.R. 99.6 - See F.R. Vol. 53, No. 69 pg. 11952.

A. Right to Request Amendment of Education Record:

Parents or eligible students have the right to request an amendment of student records that they believe are inaccurate, misleading, or in violation of their privacy rights or other rights. 34 C.F.R. 99.20; 34 C.F.R. 300.567.

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. 34 C.F.R. 99.20(a).

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. See 34 C.F.R. 300.567(b).

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. 34 C.F.R. 99.20(b)(c); 34 C.F.R. 300.567(c). 34 C.F.R. 300.567(b). 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.

Rather than pursue a hearing, if the principal and the parent(s) or eligible student agree, an explanatory note added to the student record may be a satisfactory remedy. Such explanatory note will accompany any disclosure of the contested portion of the record. However, if the District and the parent(s) or eligible student cannot agree that the explanatory note is an appropriate remedy, then the parties must exhaust the hearing process before the note is added to the record. [FR Vol. 53 No. 69 p. 11954.]

Step 3. Upon the parent(s) or eligible student's dated, written request for a hearing to the Assistant Superintendent of the Burlington School District, 152 Colchester Avenue, the Assistant Superintendent 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. 34 C.F.R. 99.21(a), 99.22(a)(b).

The hearing will be conducted by the Superintendent or his or her designee who must be a disinterested party. If the Assistant Superintendent is not a disinterested party, the hearing will be conducted by the Superintendent. 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. 34 C.F.R. 99.22(e), (f); 34 C.F.R. 300.570.

Step 4. The Superintendent/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. 34 C.F.R. 99.22(e), (f).

If the Superintendent/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. 34 C.F.R. 99.21(b); 34 C.F.R. 300.569(a).

If the Superintendent/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. 34 C.F.R. 21(b)(2); 34 C.F.R. 300.569(b).

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. 34 C.F.R. 99(21)(c); 34 C.F.R. 300.569(c).

X. DESTRUCTION OF EDUCATION RECORDS

A. Records Which Must be Retained:

For any student ever enrolled in school in the Burlington School District, the district shall maintain without time limitation the following information:

1. Name, Vermont Education Rule 2193
2. Academic record, Vermont Education Rule 2193
3. Date of birth,
4. The record of access shall be maintained as long as the education record to which it pertains is maintained,
34 C.F.R. 99.21(c)
34 C.F.R. 300.563
5. If any portion of maintained record was contested at a hearing and an explanatory note relating to that maintained record exists, that note must be maintained as long as the contested portion of record is maintained and disclosed with the contested record. 34 C.F.R. 99.21(c); 34 C.F.R. 300.569(c); See Part IX, B, Steps 2 and 4 of this procedure.
6. Destruction of record form for students with Handicapping Conditions, See Part X, C, and App. V.

B. Retention of Records Relating to Activities Using Grants or Subfunds:

The Burlington School District shall retain records for five years after completion of the activity for which they use grant or subfunds. 20 U.S.C. 1232f(a); 34 C.F.R. § 76.734.

C. Notification of Parents of Handicapped Children of Destruction of Records:

The Burlington School District shall inform the parent of a handicapped student or eligible handicapped student when personally identifiable information is no longer needed to provide educational services to the student, and their right to request the destruction of such records. Upon such a request the parent or eligible handicapped student should be advised that certain selected information may be needed later for other purposes such as social security benefits. The District shall comply with such requests except that it shall retain a record to the extent listed in A above. See App. V form.

D. Mandatory Destruction of the Education Records:

Except as provided for in Part C above, the Burlington School District shall destroy within 7 years from the date the student reaches age 21, or from the date of graduation, whichever occurs first:

1. psychological reports,
2. medical reports,
3. in-school reports and forms,
4. discipline reports,
5. court reports,
6. anecdotal reports,
7. recommendations.

E. Discretionary Destruction of Records:

The Burlington School District may destroy at its discretion any information in the education record, not noted in A or B above and after complying with part C above, unless there is an outstanding request for inspection, review, or a copy of that record. 34 C.F.R. 99.3 (Education Records(b)(5); 34 C.F.R. 99.10(e)

XI. SAFEGUARDS

A. Procedures to Protect Confidentiality:

1. The District appoints the individual school principals to assume responsibility for insuring the confidentiality of any personally identifiable information. 34 C.F.R. 300.572(a).

2. The Superintendent, or his designee, will insure that all persons collecting or using personally identifiable information are trained or instructed in this policy and procedure. 34 C.F.R. 300.572(c).

3. The District, by and through its school principals, will maintain for public inspection a current listing of names and positions of those District Employees who have access to personally identifiable information. 34 C.F.R. 300.572(d).