

Confidentiality
Family Education Rights and Privacy Act (FERPA)

Effective Date: July 1, 2005

The Family Education Rights and Privacy Act sets clear expectations for high levels of confidentiality. All staff and boards will be trained annually. Principals will conduct confidentiality training for all staff, bus drivers and others that work with students at the beginning of every school year. Sign-in sheets from the school site trainings will be sent to the Director of Student Support Services no later than September 30th each year to be kept on file for audit purposes.

Board members will be trained by the Director of Student Support Services following town meeting annually. Sign-in sheets will be kept on file for audit purposes. New board member orientation will include a discussion about confidentiality.

The tools to conduct the training can be downloaded [here](#).

Legal authority: Family Educational Rights and Privacy Act (FERPA)

What is confidential information?

- Basically anything that is maintained as part of the educational record
- Any student specific or identifiable information

When should information be kept confidential? At four stages:

1. Collection
2. Disclosure – this includes discussion and sharing of paper information

EXCEPTIONS:

- [NEW] Discipline decisions made by the board or other decision-making individual/group. Individuals/group members making the final discipline decision can have access to all relevant info about the student needed to make their decision
 - Subpoena or court order
 - Teachers and school officials may share the education record with schools to which students apply for entrance. This includes alternative placements for special education
3. Storage
 4. Destruction
 - NOTE: Directory information can be disclosed with proper annual notice. Format for student handbooks provided with NEW information included.

What is the two-part test? Does the individual have the:

- Need to know?
- Right to know?
- If "Yes" individual can have access to the information

What are the consequences for a breach of confidentiality?

- It could jeopardize ALL state and federal funding to the district (See Supreme Court Decision Gonzaga Univ vs DOE 37, 2002)

Additional Key Concepts about FERPA

1. Records need Access Logs so that individuals using the record so note it.
2. Single student info in each record – Violation if info on more than one student in record.
3. Parents have right to inspect and review records. Right to copy if necessary to review the record.

4. Provide list if requested by parent where all types of records are stored.
5. The school can develop a policy to charge for copies.
6. Parents can add a written statement of disagreement to the record.
 - o Parent statement must be maintained for the life of the record.
7. Confidentiality training must occur annually for the following:
 - o Central office staff and board members
 - o Building level staff: all teachers and para professionals, volunteers, custodians, substitutes, and other special employees
 - o Bus drivers
8. Permanent vs. destruction of records no longer needed for educational purposes
 - o Graduating students have the right to request the immediate destruction of the special education record. We are prevented from providing them with that right due to VT Special Education Audit Requirements. The VT DOE must resolve the issue.
9. Schools that hire contractors or participate in research studies for the public benefit of the school can release confidential student information with prior notice and consent from the parent or student who is over 18. A consent form that allows for a signature and date should be used. This form should be kept for the life of the record.
10. The VT Department of Education is allowed access to records. Access logs must be appropriately signed.
11. Supreme Court Ruling: Students may grade another student's test or other school paper and call out the score to the teacher. The grade is not a record that is maintained until it is entered into the teacher's grade book.
12. Interagency meetings require the school to gain written permission to discuss education information with our interagency partners.
13. **NEW 2008:** E-mail will not be used to conduct business or exchange information with parents or service providers relevant to a student's educational record.



[Back to Procedure Menu](#)