

STUDENT EDUCATIONAL RECORDS **(Family Education Rights & Privacy Act)**

The Windham School Department shall comply with the Family Educational Rights and Privacy Act (“FERPA”) and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and information.

Directory Information

The Windham School Department designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, honors and awards received, and photographs and videos relating to school attendance and participation in school activities (except photographs and videos on the Internet). The Windham School Department may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

Military Recruiters / Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the Windham School Department must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

Information on the Internet

Under Maine law, the Windham School Department shall not publish on the Internet any information that identifies a student, including, but not limited to, the student’s full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents’ names, without written parental consent.

Transfer of Student Records

As required by Maine law, the Windham School Department sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
20 U.S. C. § 7908
20-A MRSA §§ 6001 6001-B
Maine Department of Education Rules, Chapters 101 and 125

Cross Reference: JRA-E – Annual Notice of Student Records & Information Rights
JRA-R – Education Records and Information Administrative Procedure
ILD – Student Surveys and Marketing Information

Approved: January 20, 1999

REVISED: January 24, 2007

**STUDENT EDUCATION RECORDS & INFORMATION
ADMINISTRATIVE PROCEDURE**

This Administrative Procedure is intended to assist administrators and school staff in complying with the requirements of federal and state statutes and regulations concerning student education records and information, including special education requirements.

DEFINITIONS

The following definitions apply to terms used in this policy.

1. “ACT” means the Family Educational Rights and Privacy Act (20 USC 1232g).
2. “Directory information” means the following information contained in an education record of a student: the student’s name, participation and grade level in officially recognized activities and sports, weight and height of student athletes, date of attendance at Windham Schools, honors and awards received, photographs and videos relating to school attendance and participation in school activities (except photographs and videos on the Internet).
3. “Eligible student” means a student who has attained eighteen years of age, who has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his or her own behalf. When a student attains the age of 18, all rights accorded to parents concerning education records transfer to the eligible student.
4. “Parent” means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless there is evidence of a state law or court order governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.
5. “Education Record” means information or data that directly relates to a student and is maintained by the School Department in any medium, including, but not limited to, handwriting, print, computer media, video or audio tape, microfilm and microfiche. Records of instructional, supervisory and administrative personnel and personnel who support these individuals, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record are excluded from this definition.
6. “School” / “School Department” means Windham School Department, and each school within the system.
7. “Student” includes any individual with respect to whom the Windham School Department maintains education records.

8. “Superintendent Designee” means any administrator who, by policy, has been granted by Superintendent’s permission to act in his/her place on behalf of the Windham School Department.

ANNUAL NOTIFICATION OF RIGHTS

Parents and eligible students shall be provided with notice of their rights under FERPA and other applicable federal and state laws and regulations concerning education records at the beginning of each school year, or upon enrollment if a student enrolls after the start of the school year. The School Department may provide notice through any of the following means:

1. Mailing to students’ homes;
2. Distribution to students to take home;
3. Publication in a school newspaper, newsletter, student handbook, or other materials distributed to each parent or eligible student.

ACCESS TO POLICY AND ADMINISTRATIVE PROCEDURES

The Windham School Department’s policy on Student Education Records and Information shall be posted in each school. In addition, school administrators shall provide copies of this administrative procedure to parents / eligible students upon request.

INSPECTION AND REVIEW OF EDUCATION RECORDS

Parents of students and eligible students may review and inspect their educational records by the following procedure:

1. The parent or eligible student must request in writing to the Principal, Superintendent, or Director of Student Services, to review the records.
2. The Superintendent or his/her designee will comply with the request within a reasonable period of time, but in no case more than 45 days after it received the request, and will comply before any Pupil Evaluation Team meeting regarding an Individualized Education Program or any due process hearing relating to the identification, evaluation, or placement of the student.
3. The Superintendent or his/her designee may deny a request for access to or copies of the student’s education records if there is reasonable doubt as to the legality of the parent-child relationship. Access will be withheld until a determination of legal right to access can be established.

Parents / eligible students may also request to review the following:

1. The School Department’s list of the types and locations of all records, and titles of officials responsible for those records;

2. The School Department's record of disclosures of personally identifiable information (see following section).

REQUEST TO AMEND EDUCATION RECORDS

Parents/eligible students may ask the School Department to amend education records they believe are inaccurate, misleading, or in violation of the student's privacy rights as follows:

1. The parent / eligible student must make a written request to the Superintendent or his/her designee to amend the education record. The request must clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.
2. The Superintendent or his/her designee shall, within fifteen (15) days of receipt of the request, either amend the information in accordance with the parent's request or inform the parent/eligible student of its refusal to amend the record and inform the parent/eligible student of their right to request a hearing.
3. If the parent / eligible student requests a hearing, the hearing shall be held within a reasonable period of time from the School Department's receipt of the written request. The parent /eligible student shall be given advance notice of the date, place, and time of the hearing. The Superintendent shall designate an individual to conduct the hearing. This individual may be an employee of the School Department so long as he/she does not have a direct interest in the outcome of the hearing. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
4. The School Department shall make its decision in writing within fifteen (15) business days. The decision of the school shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, the School Department decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent / eligible student in writing.
6. If as a result of the hearing, the School Department decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent / eligible student of their right to include a statement in the student's education record about the contested information and/or setting forth any reasons for disagreeing with the decision of the School Department.
7. Any statement placed in the student's education record under the preceding paragraph shall be maintained as long as the record or contested portion is maintained by the School Department. If the education records of the student or the contested portion is disclosed by the School Department to any party, the explanation shall also be disclosed.

DISCLOSURE OF EDUCATION RECORDS

All disclosures of education records will be made in compliance with federal and state statutes and regulations. The Windham School Department will maintain a record of disclosures of personally identifiable information from the education records of a student. Such records do not include disclosures to the parents/eligible student, disclosures made pursuant to written consent of the parents/eligible student, disclosures to school officials or disclosures of directory information.

The Windham School Department will not disclose any personally identifiable information from the education records of a student without prior written consent of the parent / eligible student. The written consent shall include a specification of the records which may be disclosed, the purpose(s) of the disclosure(s), and the identity of the party or parties to whom the disclosure(s) may be made.

There are several exceptions to the requirement to obtain prior written consent before disclosing education records as follows:

- 1. Directory Information:** The Windham School Department may make directory information (as described in the Definitions section) public at its discretion unless a parent / eligible student has notified the principal in writing by September 15, or within thirty (30) days of enrollment, whichever is later. The School Department may disclose directory information about former students without the consent of the parent / eligible student.
- 2. Military Recruiters / Institutions of Higher Education:** Military recruiters and institutions of higher education are entitled to receive the names, addresses, and telephone numbers of secondary students and the School Department must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents / eligible students who do not want the School Department to disclose this information must notify the principal in writing by September 15 or within thirty (30) days of enrollment, whichever is later.
- 3. School Officials with Legitimate Educational Interests:** Education records may be disclosed to school officials with a “legitimate educational interest.” A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by the School Department as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); members of the Windham School Committee; persons or companies with whom the School Department has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators or therapists); and parents, students or volunteers serving on an official committee (such as a disciplinary or grievance committee), or assisting a school official in performing his/her professional responsibilities.
- 4. Other School Units:** Under Maine law (20-A M.R.S.A. § 6001-B), the Windham School Department is required to send a student’s education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records. Consent is not required for the transfer of these records, except for confidential health records.

At the request of the Superintendent of the school unit where a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the Superintendent indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding.

- 5. Other Entities / Individuals:** Education records may be disclosed to other governmental entities and individuals as specifically permitted by FERPA and the accompanying regulations.
- 6. Information on the Internet:** Under Maine law (20-A M.R.S.A. § 6001), the Windham School Department shall not publish on the Internet any information that identifies a student, including, but not limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names, without written parental consent.

WAIVER OF CONFIDENTIALITY RIGHTS

A parent / eligible student may waive any of his or her rights regarding confidentiality of educational records, but any such a waiver shall be in writing and signed by the parent or eligible student as appropriate. The school may not require that a parent/eligible student, waive his or her rights. Any waiver may be revoked with respect to actions occurring after the revocation. If a parent executes a waiver, that waiver may be revoked by the student any time after he or she becomes an eligible student.

FEES FOR COPYING RECORDS

The school shall provide copies of education records to parents of students or eligible students upon request. There shall be no charge to search for or retrieve education records of a student. There will be no charge for the first copy of education records. The cost of producing additional copies of the record to the parent /eligible student will be fifteen cents (15¢) per page copied, plus postage). Parents / eligible students who are unable to pay such fees will not be denied access to education records.

MAINTENANCE AND DESTRUCTION OF EDUCATION RECORDS

The Windham School Department shall maintain accurate and up-to-date education records as required by federal and state statutes and regulations.

1. Records shall be maintained by personnel who are knowledgeable about the applicable confidentiality. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set kept off-site.
2. The high school transcripts of all former students shall be kept in perpetuity by the Windham School Department. A permanent record of a special education student's name, address, phone number, grades, attendance record, classes attended, and grade and year completed shall be maintained without time limitations. All other records will be maintained in accordance with Maine State Rules for Disposition of Local Governmental Records (Schedule L).
3. The Windham School Department shall not destroy any education record if there is any outstanding request to inspect or review such records.
4. Records of access to education records shall be retained as long as the records themselves.

5. The School Department shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records shall be turned over to parents or eligible student upon their request, or destroyed in accordance with the parent's/eligible student's request or Windham School Department procedures.

COMPLAINT PROCEDURE

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school units. Complaints regarding violations of rights accorded parents and eligible students may be submitted in writing to the following address:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
20 U.S.C. § 7908
20-A M.R.S.A. § 6001, 6001-B
Maine Department of Education Rules, Chapters 101 and 125
Maine State Archives, Rules for Disposition of Local Governmental Records
(Schedule L)

APPROVED: January 20, 1999

REVISED: January 24, 2007

WINDHAM SCHOOL DEPARTMENT
228 Windham Center Road
Windham ME 04062

ANNUAL NOTICE OF STUDENT EDUCATION RECORDS
AND
INFORMATION RIGHTS

The Family Educational Rights and Privacy Act (“FERPA”) provides certain rights to parents and eligible students (18 years of age or older) with respect to the student’s education records.

INSPECTION OF RECORDS

Parents / eligible students may inspect and review the student’s education records within 45 days of making a request. Such requests must be submitted to the Superintendent or his/her designee in writing and must identify the record(s) to be inspected. The Superintendent or his/her designee will notify the parent / eligible student of the time and place where the record(s) may be inspected. Parents / eligible students may obtain copies of education records at a cost of fifteen cents (15¢) per page.

AMENDMENT OF RECORDS

Parents / eligible students may ask the Windham School Department to amend education records they believe are inaccurate, misleading or in violation of the student’s right to privacy. Such requests must be submitted to the Superintendent or his/her designee in writing, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the Superintendent or his/her designee decides not to amend the record as requested, the parent / eligible student will be notified of the decision, their right to request a hearing, and information about the hearing procedure.

DISCLOSURE OF RECORDS

The Windham School Department must obtain a parent / eligible student’s written consent prior to Disclosure of personally identifiable information in education records, except in circumstances as permitted by law.

1. **Directory Information:** The Windham School Department designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in Windham Schools, honors and awards received, and photographs and videos relating to school attendance and participation in school activities (except photographs and videos on the Internet). Parents / eligible students who do not want the Windham School Department to disclose directory information must notify the Superintendent or his/her designee in writing by September 15, or within thirty (30) days of enrollment, whichever is later.
2. **Military Recruiters / Institutions of Higher Education:** Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students

and the Windham School Department must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents / eligible students who do not want the Windham School Department to disclose this information must notify the principal in writing by September 15, or within thirty (30) days of enrollment, whichever is later.

3. School Officials with Legitimate Educational Interests: Education records may be disclosed to school officials with a “legitimate educational interest.” A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by the Windham School Department as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); members of the Windham School Committee; persons or companies with whom the School Department has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, or therapists); and parents, students and volunteers serving on an official committee (such as a disciplinary or grievance committee), or assisting a school official in performing his/her professional responsibilities.
4. Other School Units: As required by Maine law, the Windham School Department sends student education records to a school unit to which a student seeks or intends to enroll, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).
5. Other Entities / Individuals: Education records may be disclosed to other entities and individuals as specifically permitted by law. Parents / eligible students may obtain information about other exceptions to the written consent requirement by request to the principal or the Director of Student Services.

COMPLAINTS REGARDING SCHOOL DEPARTMENT COMPLIANCE WITH FERPA

Parents / eligible students who believe that the Windham School Department has not complied with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education. The office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington DC 20202