

STUDENT RECORDS AND ACCESS

In order to provide students with appropriate instructional and educational services, it is necessary for the school system to maintain accurate and sometimes personal information about the student and his or her family. In recognition of the confidential nature of student records, no person, external agency or firm seeking information, is entitled to access students records without prior written consent.

The School District respects students' and the legal guardians' right to know, and follows these guidelines, consistent with federal, state, and local laws and recommendations.

1. The Principal shall be the records manager for the school and shall assume responsibility for maintaining and preserving confidentiality of school records. He/she may, however, designate another school official to perform the duties of records manager. The records manager shall be responsible for reviewing and deleting information in each cumulative folder in accordance with District guidelines.
2. Information of any kind other than directory information will not be disclosed without prior written consent of the legal guardian or eligible student, except as permitted by law.
3. Broad, comparative results of standardized tests may be reported in general terms to the public.
4. Records, not including identification, may be released for statistical studies by the records manager with the knowledge of the Principal and the consent of the Superintendent of Schools.
5. Information from records of individual students will be available to juvenile court when requested in writing by proper officials with the legal guardian, and/or eligible student being informed in writing.
6. Legal guardians and eligible students wishing to inspect student records must file a written request to do so with the Principal. Such inspection shall take place during regular school hours or at reasonable times during vacation periods, but not during weekends or holidays.
7. Single copies of appropriate records shall be made available in a reasonable length of time, but in no case more than 45 days after request has been made in writing to the records manager. The records may be inspected by the legal guardian and eligible students in the presence of the records manager or his/her designee.
8. The school shall make a written record of the disclosure of all student information, except directory information, and such record will be kept in the student's file. This record of disclosure is also available for inspection by the legal guardian or eligible student. A record of inspections will also be kept.

- 9 Amendment of Records -- The legal guardian or eligible student may request that the records be amended in respect to information alleged to be inaccurate, misleading or in violation of the privacy rights of the student. Such request shall be in writing, dated, and addressed to the Principal.
10. In the event that the School District decides to refuse the request to amend, the Principal shall inform the legal guardian or eligible student, and shall advise said person of his/her rights to "a hearing to challenge the content of their child's school records, to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein."
11. After a student leaves the School District, records shall be kept on file for four (4) years; except that records for students who have been enrolled in special education programs shall be maintained until the individual is 28 years old.

STUDENT RECORDS

1. Access to said records shall be furnished to the following persons:
 - a. Authorized Local School District personnel, counselors, teachers of that student, and administrators.
 - b. The student's parent or legal guardian.
 - c. The student 18 years or older or emancipated, or attending an institution of higher learning and not enrolled in the Local School District.
 - d. The Comptroller General of the United States, the administrative head of a state or federal educational agency and authorities of New Hampshire State Educational Agencies and the authorized representatives of the above.
2. Other Third Parties
Access to such records shall be furnished to others only upon the written consent of the legal guardian or in response to a judicial subpoena upon notice to the student or his/her legal guardian.

3. Review of Records

To ensure proper interpretation and understanding of information contained in student records or personally identifiable records, a counselor or building administrator must be present to provide assistance at the time of the inspection of such records including psychological tests.

If psychological studies or background information is sought, the counselor or administrator shall arrange for the presence of the school psychologist at the time of inspection to interpret, explain or assist in the understanding of such information.

4. Confidential Records

- a. Records pertaining to child abuse, law enforcement activities, medical records, and investigation of criminal acts, shall be maintained in separate files by the building Principal or a designated representative. Such records shall be deemed confidential information under the provisions of the New Hampshire Revised Statutes Annotated Education Laws Chapter 91-A:5 Access to Public Records which pertain to personal privacy and law enforcement investigatory files and shall not be released to any person or agency except upon the instruction of the Superintendent. In no event shall such records be used as the basis for the preparation of reports or recommendations on an individual basis.

Such records, when kept, shall only be used to ensure compliance with the statute governing child abuse, to protect the property and persons of the students and personnel of the School District, to make necessary investigations of actual or suspected criminal activities and to render assistance as necessary to law enforcement officers and agencies.

- b. Unverified data of serious or recurrent behavior patterns will not be included in records to which access will be given nor shall such data be used in reports or recommendations made to any individual or agency outside the school system.
- c. The term "educational records" does not include records of institutional, supervisory and administrative personnel ancillary thereto which are in sole possession of the maker thereof and which are not accessible or revealed to any other person.
- d. At the beginning of each school year, legal guardians or eligible students will be given written notification through student handbooks or other means of publication of the categories of information that have been designated as "directory information" with respect to each student attending the Local School District. By the third Monday following the opening of school, the legal guardian or eligible student shall notify the appropriate Principal of their desire that any or all of the information designated should not be released without the legal guardian or eligible student's prior consent.

"Directory Information" relating to a student includes the following:

- a. The student's name, address, date of birth
- b. Major field of study
- c. Participation in officially recognized activities and sports
- d. Weight and height of members of athletic teams
- e. Dates of attendance
- f. Awards and honors received

5. Procedures Governing Access

- a. The Parent, student or guardian shall sign a request form.
- b. Permissible third parties shall sign a request form.
- c. In cases involving a third party, the student over 18, parent or guardian shall sign a consent form furnished by the Principal. Forms used will identify the records to which access is sought and will be placed in the student's file as a record of the request.
- d. Access will be refused or granted depending upon the propriety of the request and validity of the request and consent forms.
- e. If the request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Superintendent for a final ruling.
- f. Custodians of student records:

The building Principal shall be the custodian of all student records, except in the case of Special Education records, which shall rest with the District's Director of Special Education.

6. Challenges to Records

The legal guardian(s) and/or eligible student shall have an opportunity for a hearing to challenge the content of the school record, to ensure the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

- a. The legal guardian(s) of a student or an eligible student shall have an opportunity to identify in writing, addressed to the building Principal, the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, together with a statement of the reasons for the challenge to the record.

- b. A response by the building Principal shall be made within fourteen days indicating he/she finds the challenged record to be inaccurate, misleading or otherwise inappropriate and that it will be corrected or deleted; or that he/she finds no basis for correcting or deleting the records in question. The legal guardian or eligible student will be given an opportunity to refer the request on to the Superintendent of Schools.
- c. If the request is again denied, and the party requesting access is still not satisfied, a hearing may be requested in writing to the Superintendent of Schools.
- d. A hearing, if requested, shall be held within a reasonable period of time, but in no case more than 45 days after receipt of such a request by the Superintendent of Schools. The legal guardian or eligible student should be given the right to present evidence in support of his/her belief that the record is erroneous and to rebut any evidence submitted in support of the record. A written decision should be rendered within 30 days stating the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality.

In cases involving a constitutionally protected right, the School District attorney should be consulted with respect to the hearing procedure and the degree of formality required.

- e. A fee shall be charged for copies made of records authorized to be disclosed at a rate of twenty-five cents per page or fraction thereof.

STUDENT RIGHTS REGARDING PARTICIPATION IN DATA COLLECTION

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. 1232h affords legal guardians or eligible students certain rights regarding the conduct of the Sunapee School District of surveys, collection and use of information for marketing purposes, and certain physical exams. The PPRA requires the Sunapee School District to notify legal guardians and obtain consent or allow legal guardians to opt their child out of participating in certain school activities.

These activities include a student survey, analysis or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s legal guardian;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;

6. Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
7. Religious practices, affiliations or beliefs of the student or legal guardian; or
8. Income, other than as required by law to determine program eligibility.

These rights include:

- ***Consent***

Before students are required to submit to a survey that concerns one or more of the above protected areas (“protected information survey”) and if the survey is funded in whole or in part by a program of the U.S. Department of Education, the PPRA requires the Sunapee School District to notify legal guardians/eligible students and obtain consent.

- ***To Receive notice and an opportunity to opt a student out of:***

Before students are required to submit to a survey that concerns any other protected information survey, *regardless* of funding,

OR any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision or scoliosis screenings, or any physical exam or screening permitted or required under State law;

OR participating in activities involving collections, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others, the PPRA requires the Sunapee School District to notify you and provide an opportunity to opt a student out of such activities.

- ***Inspect, upon request and before administration or use:***

Legal guardian and eligible students have the right to inspect, upon request and prior to administration, protected information surveys of students, instruments used to collect personal information from students for any of the above marketing, sales or other distribution purposes and instructional material used as part of the educational curriculum.

The Sunapee School District has developed and adopted policies regarding these rights as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes. The Sunapee School District will directly notify legal guardians and eligible students of these polices at least **annually** at the start of each school year and **after any substantive changes** through US Mail or e-mail.

Legal guardians/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington CD 20202-4605

FIRST-PARTY REQUEST

Date _____

I, _____, (am over 18) (am attending an institution of higher learning) (am the parent or legal guardian of) _____ and request access to the school records of _____.

The specific records I should like to inspect are: (Please indicate specific areas, i.e., student folder, athletic, scholastic, reading scores, test results, attendance, etc.)

(x out inapplicable material)

Signature

FIRST-PARTY CONSENT

I, _____, consent to the inspection of the school records of _____ by _____

or consent that the following information be mailed to them. I am the student involved and am over 18, or his/her parent or legal guardian. The records may be personally inspected or may be mailed to them as they request. This consent pertains to all records usually furnished in the best judgment of the School District authorities or limited as stated in the School Policy on Student Records. (x-out inapplicable material)

Signature

SUNAPEE SCHOOL DISTRICT

THIRD-PARTY REQUESTS

Date _____

I, (We), request the following information from the school records of:

My authority for making this request is:

I am authorized by law to have access to said records or I attach the consent of the student and/or his/her parent or legal guardian.

I agree not to release said information to any other person or party except as said release may be authorized by law. (x out inapplicable material)

Signature

Title

Name of Agency _____

Address _____

**PROTECTION OF PUPIL RIGHTS
SAMPLE SURVEY - SAMPLE NOTICE #1**

DATE: On or about October 1, 2XXX
GRADES: Five and Six
ACTIVITY: Survey of At-Risk Behaviors

SUMMARY: (Brief description of survey purpose) This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between legal guardian and children and the use of alcohol and drugs at home.

CONSENT: (For US Department of Education funded, protected information surveys only): A Parent/guardian must sign and return the attached consent form no later than (insert date) so that your child may participate in this survey.

OPT-OUT: (For any Non-US Department of Education funded, protected information survey): Contact (Sunapee School District Official Name) at (Contact Phone number, E-Mail Address, Address, etc.) no later than (insert date) if you do not want your child to participate in this activity.

**PROTECTION OF PUPIL RIGHTS
SAMPLE NOTICE #2**

DATE: On or about October 1, 2XXX
GRADES: Five and Six
ACTIVITY: Flu Shots

SUMMARY: (Brief description of survey purpose) The County Department of Public Health Services will administer flu shots for influenza types A and B.

OPT-OUT: Contact (Sunapee School District Official Name) at (Contact Phone number, E-Mail Address, Address, etc.) no later than (insert date) if you do not want your child to participate in this activity.

Administrators should PARTICULARLY note the difference in the type of consent required for each activity depending upon what personal information is being collected, used or distributed:

**PROTECTION OF PUPIL RIGHTS
SAMPLE SURVEY A**

Limited to personal information designated as "directory information"

DATE: School Year 2XXX – 2XXX
GRADES: Nine through Twelve
ACTIVITY: Student Based Commercial Services

SUMMARY: (Brief description of survey purpose) Sunapee Middle High School collects, or allows businesses to collect, use and disclose personal information on students, include names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry and entertainment products.

OPT-OUT: Contact (Sunapee School District Official Name) at (Contact Phone number, E-Mail Address, Address, etc.) no later than (insert date) if you do not want your child to participate in this activity.

PLEASE NOTE:

This type of information (names, addresses, and telephone listings) MAY be designated and disclosed as "DIRECTORY INFORMATION" under the Family Educational Rights and Privacy Act (FERPA). Instead of using this model notice format, schools may meet PPRA notice requirements for specific marketing activities that involve only designated "DIRECTORY INFORMATION" by allowing legal guardians to OPT OUT of "DIRECTORY INFORMATION" at the start of each school year which would include all marketing activities.

**PROTECTION OF PUPIL RIGHTS
SAMPLE SURVEY B**

Collects personal information beyond designated “directory information”

DATE: School Year 2xxx – 2xxx
GRADES: Nine through Twelve
ACTIVITY: Student Based Commercial Services

SUMMARY: (Brief description of survey purpose) Sunapee Middle High School collects, or allows businesses to collect, use and disclose personal information on students, include names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry and entertainment products.

CONSENT: A parent/guardian must sign and return the attached consent form not later than (insert date) so that your child may participate in this activity.

PLEASE NOTE: While some of the information (names, addresses, and telephone listings) MAY be designated and disclosed as “DIRECTORY INFORMATION” under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use and disclosure of students’ ***SOCIAL SECURITY NUMBERS MAY NOT USE AN OPT-OUT PROCEDURE AND MUST OBTAIN PRIOR WRITTEN CONSENT*** in accordance with 99.30 of the FERPA regulations.

**PROTECTION OF PUPIL RIGHTS
REQUEST TO REVIEW SURVEY MATERIAL**

If you wish to review any survey instrument or instruction material used in connection with any protected information or marketing survey, please submit a request to (Sunapee School Official Name, School Address). (Sunapee School Official Name) will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

I, _____ (parent's/guardian's name) give my consent for _____
(child's name) to take the (Survey Name) on or about (Survey Date)

(Parent's/guardian's signature)

Please return this form no later than _____ (insert date) to the following Sunapee School Official (Sunapee School Official Name and Address).

ACCESS TO STUDENT RECORDS**NOTICE CONCERNING STUDENT RECORDS**

Notice is hereby given to all legal guardians of students attending Sunapee Schools and eligible Sunapee students.

The following is considered "Directory Information" and will not be treated as confidential information. Such information may be made available for publication through School District news releases.

- a. The student's name, address, date of birth.
- b. Major field of study.
- c. Participation in officially recognized activities and sports.
- d. Weight and height of members of athletic teams.
- e. Dates of attendance in Local Schools
- f. Awards and honors received.

The legal guardian or eligible students who desire such "Directory Information" not be released for publication shall notify the appropriate Principal in writing by the third Monday in September.

All other information contained in educational records cannot be released without the written consent of the legal guardian or eligible students with certain exceptions:

- a. Release to intra-institutional officials such as teachers, counselors, and administrators.
- b. Release to other schools where the student is seeking to enroll.
- c. Release to federal and state officials for the purposes of evaluating or auditing a program receiving federal or state support.
- d. Release of information in connection with a student's application for financial aid.
- e. Release to official accrediting organizations in conjunction with the accreditation process.
- f. Release of necessary information in cases of health or safety emergencies.
- g. Release to state and local officials if statutes or regulations requiring release were adopted prior to November 19, 1974.
- h. Release to organizations or persons developing validation information or conducting predictive tests.
- i. Release of such information as tuition bills and grades to legal guardian of dependent students.
- j. Release of information pursuant to judicial order or subpoena.

Parents or guardian wishing to have access to the records of their children should contact either the school Principal or school counselors. Records pertaining to individual students may include standardized test scores, permanent record card, achievement and health records.