

**LONDONDERRY SCHOOL DISTRICT CONFIDENTIALITY POLICY****PREAMBLE**

It is the policy of the Londonderry School District to respect the privacy, dignity, and confidentiality of all students attending the Londonderry School District. It is the policy of the Londonderry School District that student education records, and the personally identifiable information contained therein should only be viewed or shared as permitted by the Londonderry School District's policies.

**STUDENT RECORDS AND PERSONALLY IDENTIFIABLE INFORMATION**

The Londonderry School District will only disclose education records and the personally identifiable information contained therein in accordance with the provisions of the Family Educational Rights and Privacy Act ("FERPA"), as well as other relevant federal and state laws and regulations as they relate to education records, personally identifiable information, and confidentiality.

Consistent with policy the Londonderry School District's Student Education Records and Information Policy and Procedures (JRA and JRA-R), the Londonderry School District will not disclose any personally identifiable information from a student's educational records without the prior written consent of the parent/eligible student, unless such disclosure is allowed by federal and/or state statutes or regulations.

Employees and volunteers of the Londonderry School District shall read and comply with the District's Student Education Records Information Policy and Regulations (JRA and JRA-R). It is the policy of the Londonderry School District that the building Principal of each school, or his/her designee, shall be the custodian of all student records for that school. Employees and volunteers who have access to personally identifiable information shall keep such information confidential and shall only be shared with the eligible student, with the parent or legal guardian of the student, with other individuals with appropriate written authorization, with other school officials that have a legitimate educational interest, or pursuant to a recognized exception under FERPA. When receiving an inquiry from individuals who are not specifically known to be qualified to receive the information, the employee shall consult Policy JRA prior to the disclosure of any personally identifiable information. If the individual seeking such information is not listed as a person entitled to receive such information, the employee shall not disclose any information until appropriate written authorization has been received, or it has been determined that an appropriate FERPA exception applies. If the employee has any questions as to whether or not such information may be shared, it is incumbent upon the employee to seek the assistance of his/her immediate supervisor and/or the building Principal. The building Principal for each school, or his/her designee, shall make the final determination regarding the release of a student's educational records and/or the release of personally identifiable information contained in a student's educational records.

Employees receiving personally identifiable information shall safeguard the information from dissemination to unauthorized parties. Steps should be taken to insure that personally identifiable information does not accidentally find its way into the public domain.

### OBSERVATIONS

During the course of carrying out activities as an employee or volunteer of the Londonderry School District, individuals may make certain observations that may disclose personally identifiable information about a student. These observations may indicate the nature of disabilities and/or accommodations that are made in response to such disabilities. These observations, by their very nature, may result in the employee or the volunteer receiving sensitive information about a student. To the degree such observations disclose personally identifiable information, the employee or volunteer in question making such observations must respect the privacy, dignity, and confidentiality of the student involved and not disclose such information in violation of this policy.

### VIOLATIONS

The dissemination of personally identifiable information by employees or volunteers to individuals who do not have a legitimate educational interest is strictly prohibited. Further, employees or volunteers are not to disclose such personally identifiable information to individuals who are not affiliated with the Londonderry School District without specific written authorizations for the release of such information, or without a determination that an appropriate FERPA exception applies. Such written authorizations may appear in the Student Information Sheet that is provided by the student and/or parents at the beginning of each school year or may be supplemented or amended as necessary. If the employee or volunteer has any question as to whether the individual is entitled to receive such information, then the building Principal or Designee shall be consulted prior to disclosure.

Employees or volunteers who release personally identifiable information in violation of Londonderry School District policies shall be subject to discipline and/or exclusion from continuing participation in volunteer activities. Such discipline may include, but not be limited to, termination.

### ELECTRONIC RECORDS/INFORMATION

Employees who have access to electronic personally identifiable information shall safeguard the dissemination of such material in accordance with Londonderry School District policies. In particular, information shall not be forwarded to individuals who do not have a legitimate educational interest in the information. Further, personally identifiable information shall not be stored in a manner in which unauthorized students, employees, or third parties may gain access.

When using email as a means of communicating personally identifiable information, employees shall take all steps to insure that the email addresses are accurate and that the information is not inadvertently delivered to unauthorized individuals. Further, and to the degree that information is going to be shared amongst a large group, information shall be tailored so that personally identifiable information is not shared with individuals without a legitimate educational interest.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99, as amended  
20 U.S.C. § 7908  
RSA 189:1-e, RSA 189:66, IV, 193-D:8, 194:31-a  
N.H. Code of Administrative Rules Ed 1119

Cross Reference: JRA – Student Education Records and Information  
JRA-E – Annual Notice of Student Education Records and Information  
Rights  
JRA-R – Student Education Records and Information Administrative  
Procedure  
JOA-E - Confidentiality Requirement

LONDONDERRY SCHOOL BOARD

Adopted: June 1, 2004

Amended: August 8, 2017

## STUDENT EDUCATION RECORDS AND INFORMATION

The Londonderry School District 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.

### **A. Directory Information**

The Londonderry School District 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 district, honors and awards received, and photographs and videos of student participation in school activities open to the public.

Directory information may be published in student yearbooks, school district websites, athletic publications, radio programs, television broadcasts, performing group graduation programs, and in the publication of achievement awards and honors for individual students. This information may also be disseminated to local newspapers in accordance with school sponsored sporting activities and/or programs.

The Londonderry School District may disclose directory information if it has provided notice to parents (and eligible students) and has not received timely written notice refusing permission to designate such information as directory information.

Absent an opt-out, the District may disclose directory information about former students without the consent of the parent/eligible student.

### **B. 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 Londonderry School District must comply with any such request, provided that parents have been notified that they and secondary school students have the right to request that this information not be released without their prior written consent.

### **C. Health or Safety Emergencies**

In accordance with federal regulations, the School District may disclose education records in a health or safety emergency without prior written consent to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

### **D. Transfer of Student Records**

The Londonderry School District sends student education records to a school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the school, school system, or institution or postsecondary education

has requested the records, so long as the disclosure is for purposes related to the student's enrollment or transfer. Such records include, but are not limited to, grades and report cards, disciplinary records, attendance records, special education records and health records.

**E. Designation of Law Enforcement Unit**

The Board hereby designates the Londonderry Police Department as the Londonderry School District's law enforcement unit.

**F. Violations by Employees, School Board Members, and Volunteers**

All employees, school board members, and volunteers must comply with this policy and corresponding procedures. Failure to do so may result in discipline and/or exclusion from continuing participation in volunteer activities. Such discipline may include, but not be limited to, termination.

**G. 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, as amended  
20 U.S.C. § 7908  
RSA 189:1-e, RSA 189:66, IV, 193-D:8, 194:31-a  
N.H. Code of Administrative Rules Ed 1119

Cross Reference: JRA-E – Annual Notice of Student Education Records and Information Rights  
JRA-R – Student Education Records and Information Administrative Procedure  
EDDA – Internet Log/email/Voice Mail Retention Policy

LONDONDERRY SCHOOL BOARD  
Adopted: August 8, 2017

## STUDENT EDUCATION RECORDS AND 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.

### A. Definitions

The following definitions apply to terms used in this procedure.

1. "Act" means the federal Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. §1232g).
2. "Directory information" means the following information contained in an education record of a student: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the District, honors and awards received, and photographs and videos relating to student participation in school activities open to the public.

Directory information may be published in student yearbooks, School District websites, athletic publications, radio programs, television broadcasts, performing group graduation programs, and in the publication of achievement awards and honors for individual students. This information may also be disseminated to local newspapers in accordance with school sponsored sporting activities and/or programs.

3. "Eligible student" means a student who has attained 18 years of age or who is attending an institution of postsecondary education. Generally, once a student becomes an eligible student, all rights accorded to parents concerning education records transfer to the eligible student, except that the District may continue to disclose education records to a parent without prior written consent if the student qualifies as a dependent under the Internal Revenue Code.
4. "Parent" means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian. There shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless the District has been provided with evidence that there is a court order, statute, or legally binding document relating to such matters as divorce, separation or custody that specifically revokes such rights.
5. "Record" means information recorded in any way, including but not limited to handwriting, print, e-mail or other computer media, video or audio tape, or microfilm and microfiche.
6. "Education record" means records, files, documents and other materials that contain information or data that directly relates to a student and is maintained by the school district. 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, as are grades on peer-graded papers before they are collected and recorded by a teacher.

7. "Student" includes any individual who has been in attendance at the District and regarding whom the District maintains education records.

#### **B. 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 District may provide notice through any of the following means:

1. Distribution to students to take home;
2. Publication in a newspaper of general circulation within the District.

#### **C. Access to Policy and Administrative Procedure**

The District'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 or when a request to inspect or amend records is made. Policy JRA can be found on the school district website.

#### **D. Inspection and Review of Education Records**

Parents/eligible students may review and inspect their education records by the following procedure:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to review the records.
2. The Superintendent or building administrator will comply with the request without unnecessary delay and in a reasonable period of time, and in all cases, within 14 days after the day the request was received. If the student qualifies as a child with a disability, the Superintendent or building administrator will comply before any IEP Team meeting regarding an Individualized Education Program or any due process hearing or resolution session under the special education laws.
3. The Superintendent or building administrator 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.
4. All records shall be reviewed in the presence of a school official.

Parents of special education students may also review upon request the following:

1. The District's list of types and locations of education records and titles of officials responsible for the records.
2. The District's record of disclosures of personally identifiable information (see Section G).

#### **E. Requests to Amend Education Records**

Parents/eligible students may ask the District 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 building administrator to amend the education record. The request must clearly identify the part of the record they want changed, specify how they want it changed, and specify why it is inaccurate or misleading.
2. The Superintendent or building administrator shall, within a reasonable period of time after receipt of the request, either amend the record in accordance with the request or inform the parent/eligible student of the District's 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, it shall be held within a reasonable period of time from the District'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 District so long as he/she does not have a direct interest in the outcome of the hearing. The parent/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 District shall make its decision in writing within a reasonable period of time. The decision of the school must be based solely on the evidence presented at the hearing, and shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy 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 District 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 District.



7. Any statement placed in the student's education record under the preceding paragraph shall be maintained with the contested part of the record for as long as the record is maintained by the District. If the District discloses the contested portion of the record to any party, it shall also disclose the statement.

#### **F. Disclosure of Education Records**

All disclosures of education records will be made in compliance with federal and state statutes and regulations. The District will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent/eligible student unless such disclosure is otherwise allowed by federal and/or state statutes or regulations. 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 class of 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 District may make directory information (as described in Section A) public at its discretion unless a parent/eligible student has notified the Superintendent in writing by September 15<sup>th</sup> or within thirty (30) days of enrollment, whichever is later, that the parent/eligible student refuses to let the District designate as directory information any or all of those types of information. This opt-out shall remain in effect until the following school year, unless the parent or eligible student rescinds it earlier, or unless the student no longer attends the District, in which case the opt out will remain in effect unless it is rescinded. Absent an opt-out, the District 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 District 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 and secondary school students who do not want the District to disclose this information must notify the Superintendent in writing by September 15<sup>th</sup> or within thirty (30) days of enrollment, whichever is later.
3. **School Officials with Legitimate Educational Interests.** Education records (and personally identifiable information from an education record) 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 (or to receive personally identifiable information from an education record) in order to fulfill his/her professional responsibility. School officials include persons employed by the District as an administrator, supervisor, instructor or support staff member (such as guidance, health or medical staff and the District's designated law enforcement personnel, if any); members of the School Board; persons or companies with whom the District or school administrative unit has contracted to provide specific services

(such as attorneys, auditors, medical consultants, evaluators, experts, or therapists); companies providing online educational services; and volunteers who are under the direct control of the District with regard to education records.

4. **Other Schools.** The District sends student education records to schools, school systems, or institutions of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the school, school system, or institution of secondary education has requested the records and so long as the disclosure is for purposes related to the student's enrollment or transfer. Such records shall include, but are not limited to, grades, report cards, disciplinary records, attendance records, special education records and health records.
5. **Health or Safety Emergency.** In accordance with federal regulations, the District may disclose education records in a health or safety emergency without prior written consent to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. **Other Entities/Individuals.** Education records may be disclosed to other governmental entities and individuals as specifically permitted by FERPA and the accompanying regulations.

#### **G. Request/Disclosure Record**

1. The District will maintain a record of requests for and disclosures of personally identifiable information from the education records of a student.
2. Such records do not include: (a) disclosures to the parents/eligible student; (b) disclosures made pursuant to written consent of the parents/eligible student; (c) disclosures to school officials with legitimate educational interests in the record; (d) disclosures of directory information; (e) disclosures to the person who provided or created the record; (f) disclosures pursuant to a subpoena in certain law enforcement proceedings as described 34 C.F.R. § 99.31(a)(9)(ii)(A) and (B) if the court or agency issuing the subpoena ordered that the existence or contents of the request for disclosure remain confidential; or (g) disclosures pursuant to ex parte orders obtained by the U.S. Attorney General (or certain designees) concerning investigations or prosecutions of offenses listed in 18 U.S.C. § 2332(g)(5)(B) or acts of domestic or international terrorism as defined in 18 U.S.C. § 2332.
3. The record will include the party requesting the information and the "legitimate interest" the party has in the information. In the case of state and local educational authorities, and federal officials and agencies identified in the FERPA regulations, the record must specify that the records may be subject to further disclosure by these authorities, officials and agencies without consent.
4. When disclosures are made under the exception for health or safety emergencies, the record must include the "articulable and significant threat to the health or safety of a student or other individuals that formed the basis of the disclosure" and the parties to whom the information was disclosed.

## **H. Waiver of Confidentiality Rights**

A parent/eligible student may waive any of his/her rights regarding confidentiality of education records, but any such a waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked, but such revocation shall not apply to any actions taken by the District prior to the revocation being received. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

## **I. Fees for Copying Records**

There shall be no charge to search for or retrieve education records of a student. The District shall provide copies of education records to parents/eligible students upon request, subject to reasonable limitations. The cost of producing copies of the record to parents/eligible student will be \$0.50. Parents/eligible students who are unable to pay such fees will not be denied access to education records.

## **J. Maintenance and Destruction of Education Records**

The District shall maintain education records as required by federal and state statutes and regulations.

1. Records shall be maintained in paper and/or electronic form by personnel who are knowledgeable about the applicable confidentiality and record retention requirements. All records shall be safeguarded from unauthorized access.
2. Permanent records will be maintained in either paper or electronic form. At least one of these copies shall be kept in a fireproof file. Permanent records shall include the following:
  - a. Academic transcripts.
  - b. Attendance records.
  - c. Progress reports.
  - d. Standardized test scores.
  - e. Significant incident reports.
3. Non-permanent records shall be maintained no less than one year after program completion/graduation. Non-permanent records include:
  - a. Examples of student work product.
  - b. Early release forms.
  - c. Parental permission slips.
  - d. Health and physical/immunization records.
4. The District shall not destroy any education record if there is any outstanding request to inspect or review such records.
5. Records of access to education records shall be retained as long as the records themselves.

6. The District shall inform parents of students who have received special education services 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 may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent/eligible student's written request. If the parent or eligible student does not consent to the destruction of the student's special education records, the District shall maintain the student's special education records until the student's 25th birthday, and shall maintain a copy of the student's last IEP until the student's 60<sup>th</sup> birthday.

## **K. Complaints**

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

Family Policy Compliance Office  
Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5901

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99 (as amended)  
20 U.S.C. § 7908  
RSA 189:1-e, 193-D:8, 194:31-a  
RSA 189:66, IV.  
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