

## **Business and Non-Instructional Operations**

### **Data-Based Information Management System**

#### **Confidentiality Policy**

It is the policy of the Orange Board of Education (Board) to respect the privacy, dignity, and confidentiality of all students attending the Orange Public Schools. This policy covers student records, medical information, and other personally identifiable sources of information. It is the policy of the Board that such personally identifiable information should only be viewed or received by school district employees who have a legitimate educational interest in viewing or receiving the information, as well as those officials involved in a supervisory capacity over the school in which the students are enrolled. This policy shall not apply to the District's library records, including Internet logs, the disclosure of which shall be regulated by state and federal law.

#### **Student Records and Personally Identifiable Information**

It is the policy of the Board that the building Principal of each school, or his/her designee, shall be the custodian of all student records for that school. The district will only release records in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as well as other relevant federal and state mandates as they relate to student records, personally identifiable information, and confidentiality. Accordingly, the District will only release personally identifiable information, other than directory information defined herein, to the following individuals or situations:

1. School officials, who have been determined by such agency or institution to have legitimate educational interests in the records.
2. Officials of another public school, including a public charter school, in which the student seeks or intends to enroll. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
3. Authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or state and local educational authorities, under the following conditions; the school shall provide such authorized representatives access to student or other records that may be necessary in connection with the audit, evaluation, or enforcement of State and federally supported education programs, but shall not permit such representatives to collect personally identifiable information unless specifically authorized to do so by state and federal law or if the parent or eligible student has given written consent for the disclosure.

4. In connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
5. State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, if the disclosure concerns the juvenile justice system and its ability effectively to serve the student whose records are released. If reporting or disclosure is permitted pursuant to a state statute concerning the juvenile justice system adopted after November 19, 1974, such disclosure may be made without consent only if the officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as the study does not permit personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed after it is no longer needed for the purposes for which the study was conducted.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
9. Disclosure is required to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
10. Disclosure is required in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. Between two or more public schools in which the student is enrolled or receiving services.
12. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.

13. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's educational records that are relevant for the school district to defend itself.

14. To the Attorney General of the United States or his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of Title 18, U.S. Code.

Employees of the Orange District who have access to personally identifiable information shall keep such information confidential and shall not share such information with others who do not have a legitimate educational interest in such information. When receiving an inquiry from individuals who are not specifically known to be qualified to receive the information, the employee shall consult the "Student Records" policy, #5125, prior to the disclosure of any personally identifiable information, to determine if the individual seeking such information is listed as a person entitled to receive such information. The employee shall not disclose any information until appropriate written authorization has been received. The building Principal for each school, or his/her designee, shall make the final determination about whether an employee of the District has a legitimate educational interest in personally identifiable information.

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. Personally identifiable information that is no longer needed should be destroyed as soon possible, provided that appropriate and adequate back ups of such information exist in accordance with the District's storage and student record retention policies.

### **Medical Records and/or Information**

Medical records and/or information shall only be shared with school officials and employees who have a legitimate "need to know" such information. Such medical information shall be safeguarded while in the possession of school officials/employees. Once the circumstances giving rise to the "need to know" no longer exist, the school official or employee shall immediately destroy the information in a manner that will insure the continued privacy and confidentiality of such information. The only exception to this rule shall be the student's master health record and/or the student's 504/special education file, which may contain information about prior medical conditions that may no longer be active but may be relevant to future treatment/programming decisions.

Medical information shall only be shared with non-school officials/employees who are authorized to review such information. Medical information shall not be disclosed to individuals who have not received prior written authorization, except as otherwise permitted by law. Nothing herein shall be construed to prevent District officials from sharing information with emergency medical personnel as necessary to insure the health, safety, and well being of any student or employee of the Orange School District. Further, medical information may be shared with non-School District employees who have responsibility for the protection of students in their custody.

## **Directory Information**

The Orange District will, unless otherwise directed by an eligible student and/or parent(s), prepare directory information regarding each student. Directory information shall include the following:

- a. the student's name
- b. the student's class designation
- c. the student's extra-curricular activities (school/district sponsored)
- d. the name of the school the student is currently attending
- e. achievement awards or honors
- f. street address or postal box number

Directory information may be published on the Orange School District website, radio programs, television broadcasts, 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 activities and/or programs. Unless otherwise directed by the student or parents involved, such directory information shall be available as specified herein.

## **Observations**

During the course of carrying out activities as an employee or volunteer of the Orange 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 information in which they neither have any legitimate educational interest nor a "need to know." 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 have neither a legitimate educational interest nor a "need to know" is strictly prohibited. Further, employees or volunteers are not to disclose such personally identifiable information to individuals who are not affiliated with the District without specific written authorizations for the release of such information. 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 this policy 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 this policy. In particular, information shall not be forwarded to individuals who do not have a legitimate educational interest in the information or a “need to know.” Further, personally identifiable information shall not be stored in a manner in which unauthorized students, employees, or third parties may gain access.

Employees who maintain the Orange District's computer system, software or electronic databases shall take sufficient steps to secure the databases from unauthorized access to personally identifiable information. Further, such employees shall not access personally identifiable information unless they possess the requisite need to know. Personally identifiable information that is encountered by such employees through ordinary upkeep and maintenance of the District's computer system, software or databases should not be read for content unless absolutely necessary. To the degree such information is inadvertently obtained, employee shall keep such information confidential and shall not disclose the information to unauthorized individuals.

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 or a “need to know.” Electronic records containing personally identifiable information should be destroyed and/or deleted as soon as the information is no longer needed, provided that appropriate and adequate backups of such information exist in accordance with the District's storage and student record retention policies.

### **Definitions**

**A. Personal Information.** Personally identifiable information includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.

**B. Legitimate Educational Interest.** A school official with a “legitimate educational interest” shall be deemed to include incumbent school board members, Superintendent of Schools, principal, assistant principal, guidance counselor, teacher(s) and/or aides of the student, nurse, school medical advisor/physician, and any members of a diagnostic and placement team who have responsibility for developing an appropriate educational program for the student.

**C. Need To Know.** School officials with a “need to know” shall be deemed to include incumbent school board members, Superintendent of Schools, principal, teacher(s) and/or aides of the student, nurse, school physician, and any members of a diagnostic and placement team who have responsibility for developing an appropriate educational program for the student, Further, employees with a “need to know” shall be deemed to include such other employees of the District who's involvement or responsibility for the safety and well-being the student in question, or other students, requires the disclosure of personally identifiable information. Such employees may include, but are not limited to, bus drivers, transportation aides, and cafeteria monitors etc.

**D. Eligible Student.** The term “eligible student” shall be deemed to pertain to a student that has reached the age of majority or a student who has been legally emancipated. Notwithstanding, personally identifiable information, including academic performance, attendance, disciplinary events, medical matters shall continue to be shared with the parent(s) of an “eligible student” until such time as the District is directed by the “eligible student”, in writing, not to disclose such information to the parents.

(cf. [3520](#) – Data-Based Information Management System)

(cf. [3520.1](#) – Information Security Breach and Notification)

(cf. [3520.11](#) – Electronic Information Security)

(cf. [3543.31](#) – Electronic Communications Use and Retention)

(cf. 5125 – Student Records; Confidentiality)

(cf. 5125.11 – Health/Medical Records (HIPAA))

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[7-109](#) Destruction of documents.

[10-15b](#) Access of parent or guardians to student's records.

[10-154a](#) Professional communications between teacher or nurse & student.

[10-209](#) Records not to be public.

[10-221b](#) Boards of education to establish written uniform policy re: treatment of recruiters.

[11-8a](#) Retention, destruction and transfer of documents

[11-8b](#) Transfer or disposal of public records. State Library Board to adopt regulations.

[46b-56](#) (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V -Disposition of Education Records (Revised 1983).

P.A. 08-160: An Act Concerning the Confidentiality of Social Security Numbers

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended Year 1996 Day 21 Month 11 ls trans11/21/96

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331

PL 107-110 “No Child Left Behind Act of 2001” Sections 5208 and 9528

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