

## 6.001. Confidentiality and Maintenance of Student Records and Student Information

Cooperative Educational Services (C.E.S.) recognizes the need for and usefulness of keeping educational records for each student, which will reflect the physical, emotional, social, and academic aspects of a student's development in the educational process. Accurate and complete records are maintained and used so as to contribute to the student's welfare. Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance, and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto. Such safeguards are designed to meet the requirements of state and federal law.

The C.E.S. Special Education Division provides education services on a contractual basis as an agent of the Local Education Agency (LEA). The LEA maintains ownership of and holds ultimate responsibility for the official records of any student placed in a C.E.S. Special Education Division program. Records are to be considered on loan to C.E.S. during the student's period of enrollment. As long as the student remains in a C.E.S. Special Education Division program, C.E.S. will maintain records and provide for the filing, protection, confidentiality, classification, review and, when appropriate, destruction of such records. The maintenance of these records will be in accordance with Connecticut Regulations Concerning Children Requiring Special Education, Section 10-76d-18 and the Family Educational Rights and Privacy Act. Once a student is dismissed from a C.E.S. Special Education Division program, all records for that student, including educational progress reports generated by C.E.S., will be returned to the LEA.

In accordance with federal and state regulations parents of students currently in attendance, as well as eligible students currently in attendance will be annually notified of their rights with respect to access, disclosure and requests to amend, inspect and review student records. All C.E.S. education personnel who collect or use personally identifiable information regarding students will be annually informed of the confidential nature of such information, and of C.E.S. procedures with respect to the rights of students and parents as they relate to the confidentiality of records and information.

### Legal References:

#### Connecticut General Statutes

1-19(b) (11) Access to public records. Exempt records

7-109 Destruction of documents

10-15b Access of parent or guardian to student's records

10-94i Rights and liabilities of surrogate parents

10-154a Professional communications between teacher or nurse and 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

PA 16-189 Student Data Privacy

#### Connecticut Regulations

10-4-10 Maintenance of personal data

10-76d-18 Education records and reports.

Federal Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC § 1232g, as amended by

the No Child Left Behind Act of 2001  
Connecticut Public Records Administration, Records Retention Schedule M8 - Disposition of Education  
Records (revised 2000)

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6.001A. ADMINISTRATIVE REGULATIONS - Confidentiality and Maintenance of Student Records and Student Information

Definitions

Student record means any item of information directly related to an identifiable student, other than directory information, which is maintained by an employee in the performance of his duties whether recorded by electronic system or program, handwriting, print, tapes, video film, microfilm, or other means. Student records include information related to an individual student gathered within or without the school system and maintained within the school system regardless of the physical form in which it is maintained.

Student record does not include:

Informal notes or information generated by C.E.S. education personnel which are in the sole possession of the maker thereof and are not accessible to any other individual except the education personnel's temporary substitute.

Records relating to a student as an employee of C.E.S. which:

- are made and maintained in the normal course of business,
- relate exclusively to the individual in his or her capacity as an employee; and
- are not available for any other purpose.

Student means an individual who is or has been in attendance at a C.E.S. program.

Parent means a natural parent, an adopted parent, or a legal guardian. If parents are divorced or separated, both parents may challenge the content of a record, offer a written response to a record, or consent to release records to others, unless the parental rights of one (1) parent have been terminated or modified in any material way. Whenever a student has attained the age of eighteen (18) years, the permission consent required of, and the right accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student, unless the district is provided with evidence of a court order to the contrary.

Eligible person means a parent of a student who has not yet reached the age of eighteen, or a student or former student who has reached the age of eighteen. In cases of disabled students between the ages of 18 and 21, the parent will continue to be considered the eligible person when legal guardianship has been obtained.

If the parents are divorced or legally separated, both the parent granted custody and the non-custodial parent have the legal right to access to the academic, medical, hospital or other health records, unless a court order prohibits access.

Disclosure means permitting access to, or the release, transfer or other communication of, student records or the personally identifiable information contained therein orally or in writing by electronic means or by any other means, to any party.

Custodian of student records means the administrator(s) designated by the Executive Director who has the responsibility for the collection, maintenance, disclosure, and destruction of records. The Director of Special Education is the custodial of records.

Education personnel refers to administrative, instructional and support staff employed by C.E.S. or the student's referring LEA who have a legitimate educational interest to access student records. Such school personnel includes but is not limited to administrators and teachers, educational instructors, instructional aides, substitute teachers, student teachers, interns, practicum students, secretaries and clerical staff, audiologists, speech pathologists, school nurses, physical therapists, occupational therapists, psychologists, social workers, and educational and medical consultants employed for the purpose of improving instruction/fulfilling his or her professional responsibility.

School official includes administrators, directors, supervisors or other designated education personnel (i.e., teacher, specialist, nurse) of another school system or institution of post-secondary education in which the student seeks or intends to enroll; or personnel of specified agencies/institutions who have legitimate educational interest in student records as defined in Section VC-3-8 of C.E.S. Administrative Procedures; or a person or company employed by or under contract to C.E.S. or the student's referring LEA to perform a special task (i.e., attorney, auditor, accounting personnel, or educational/medical consultants or a person serving on a school board).

Legitimate educational interest is said to exist when an individual is:

1. Performing a task of responsibility that is specified in his or her job description, position description or contract agreement.
2. Performing a task related to a student's education.
3. Performing a task related to the discipline of a student.
4. Providing a service or benefit to the student and/or the student's family including, but not limited to, health care, parent effectiveness training and homebound instruction.
5. Performing a task related to professional growth or development.
6. Performing a task/responsibility or providing a service as further defined in Section VC of C.E.S. Administrative Procedures.

Privileged communication means any communication made privately and in confidence by a student to a licensed professional with whom the law recognizes a privilege, including but not limited to a licensed psychiatrist, psychologist, or other professional covered by Conn. Gen. Stat. §§52-146a through 52-146q, inclusive.

Professional communication means any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the latter's employment; any such professional employee shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student. For purposes of this policy, a "professional employee" means a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is an administration officer of a school, or (C) is a registered nurse employed by or assigned to a school.

Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name; parent(s) or guardian's name; address; telephone listing; photograph; date and place of birth; dates of attendance; grade level; participation in officially recognized activities and sports; weight, height and statistical information regarding members of athletic teams; honors and awards received; and lists of schools or educational programs attended.

"Personally identifiable information" means that the data or information includes the name of a student's parent, or other family member, the name and address of the student, a personal identifier such as the student's social security number or student number, a list of personal characteristics which would make the student's identity easily traceable, or other information which would make the student's identity easily traceable.

#### Student Data Privacy

Pursuant to P.A. 16-189, C.E.S. will enter into a written contract with a contractor any time it shares or provides access to student information, student records, or student-generated content (hereinafter "student data") with such contractor.

Contracts must include –

- A statement that student data is not the property of, or under the control of, the contractor;
- A provision by which a board of education may request the deletion of such data in the possession of the contractor;
- Procedures by which a student or parent/guardian may review personally identifiable information contained in such student data and correct any erroneous information;
- A statement that the contractor must ensure the security and confidentiality of such data;
- Procedures by which the contractor must notify the board of education when there has been an unauthorized release, disclosure or acquisition of such data; and
- A statement that the contractor must abide by the Family Educational Rights and Privacy Act (FERPA).

C.E.S. will provide electronic notification to any student and the parents/guardian of any student affected by a contract not later than five business days after the contract is executed. This notice must specify when the contract was executed, provide a brief description of the contract and state which student information, student records or student-generated content may be collected under the contract. C.E.S. will post such notice on our website.

Upon notification from a student data contractor of a breach of student records, C.E.S. will electronically notify students and parents/guardians of students whose student data was involved in the breach and post such notice on its website within 48 hours.

Access to Records

All C.E.S. education programs will comply with Section 10-15b of the Connecticut General Statutes with respect to access to student records by eligible persons.

In accordance with Section 10-15b of the Connecticut General Statutes, parents have the right to inspect and review the education records relating to their child maintained by any local or regional school district in which their child is or has been in attendance. Furthermore, the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, gives parents and eligible students the right to inspect and review the educational records of a child being served by any educational agencies or institutions to which funds are made available under any federal program.

Parents' rights of inspection and review are restricted to information dealing with their own child. The school district will presume that even when parents are separated or divorced and one (1) parent has been granted custody, that both parents have access to records. This access will be extended to both parents unless the school district receives a court order to the contrary.

Requests by parents and eligible students to inspect and review the student's educational records will be accommodated within a reasonable period of time but no more than forty-five (45) calendar days after the receipt of a written request.

Parents or guardians of students enrolled in C.E.S. special education programs are entitled to inspect the educational, medical and similar records maintained as a cumulative record. When a written request to inspect records for a special education division student is initiated by the parent of a student, the Custodian of Records or Program Administrator will contact the appropriate person in the LEA responsible for the student and, together with the LEA representative, will schedule a time for records inspection within 10 school days following the date of the request, or within 3 school days if the request is made to prepare for a meeting regarding an individualized education program or any due process proceedings.

Students of C.E.S. special education programs, at the age of majority, are entitled to inspect their educational, medical and similar records with the involvement of the LEA. The right of access of such students supersedes the right of access of the parents. In the case of a student so disabled that the information would be meaningless or seriously misinterpreted, parents will have access to the records.

In accordance with Section 10-76d-18(b)(2), parents will be provided one (1) free copy of the student's records within five (5) days, upon written request. Subsequent requests for copies of educational records may be subject to reasonable fees for copying imposed by the district.

An official of the school district shall be present at all such inspections and reviews. The primary responsibility of this official shall be to answer questions regarding the educational record and maintain its integrity.

The school district shall also maintain a record of those individuals who have sought or obtained access to the records. This form indicates the name of any individual who has access, date, disposition of request, name of official meeting with the parent, specific data disclosed, and the legitimate educational interests the party(ies) had in requesting or obtaining the information. This record need not include parents and employees of the school district with a legitimate educational interest.

No parent shall be entitled to information considered privileged as a “professional communication” under Connecticut General Statutes §10-154a or a “privileged communication” under Connecticut General Statutes §§52-146a through 52-146q, inclusive. Professional employees shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student, nor shall any professional or licensed personnel protected by Connecticut General Statutes §52-146a to §52-146q be required to disclose any communications as protected by those statutes.

Several public health statutes include confidentiality and/or reporting requirements which may impact on certain C.E.S. educational personnel ability to release/share reports of communicable disease or other health related matters and from disclosing communications between themselves and students (e.g., See Connecticut General Statutes Sections 19a-14c, 19a-126h, 19a-216a, 19a-581 to 19a-592, 19a-601, 20-7b to 20-7e).

Professional staff members have access to student information in the records when access is directly related to their responsibility to promote the educational growth of the students. Certain records have limited access to designated education personnel. Such records cannot be accessed by other education personnel without the consent of the eligible person. These records include health records and child abuse records. The procedure for such access is as follows:

Each time a student's record is reviewed, the name of the education personnel who reviews the record will be indicated on the appropriate form, along with the date and purpose of the review (See Appendix, Form #4, Review of Student Records).

Any C.E.S. education personnel receiving a copy of a student's IEP for the purpose of implementing an instructional program will sign out such copy by completing the appropriate form (See Appendix, Form #5, Memo of Understanding Re: Student IEPs). Such records will be maintained in the classroom/office of such education personnel in a locked file cabinet and will be returned to the program administrator at the conclusion of the student assignment or end of school year.

When a student record is removed from its designated area, the person removing the file will complete the appropriate form (See Appendix, Form #9, Removal of Student File), requiring date, name of individual removing file, name of student and time removed. The file will be returned at or before the end of the business day, and the return time will be recorded on Form # 9.

No student record will be removed from the program site by anyone other than the Custodian of Records or Program Administrator for any purpose other than the return of said record to the sending LEA.

Child Welfare Agency representatives and agency caseworkers can obtain educational records of children within their care and protection without the consent of the parent or guardian.

Courts and administrative agencies can obtain records upon issuance of a court order or subpoena when a student is or legally should be in school as required by Section 10-15b of the Connecticut General Statutes.

### Release of Records

C.E.S. or its designated agents may not permit access to or the release of personally identifiable records or files of any student to any outside individual, agency, or organization without the written consent of the parent(s) or the eligible student, except the following:

Student special education records on loan from an LEA, inclusive of health record, will be returned to the LEA at the time the student is dismissed from a C.E.S. program.

Health records that will be returned to the designated LEA representative for such records by the C.E.S. School Nurse or C.E.S. Supervisor of Health Services.

Child abuse reports that will be returned by the C.E.S. Custodian of Records or program administrator to the LEA designated official responsible for such records.

Officials of other schools or school systems in which the student seeks or intends to enroll, 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.

Other school officials, including teachers employed by the school district, who have been determined by the district to have legitimate educational interests.

Authorized representatives of the Comptroller General of the U.S.; the Secretary of Education; the U.S. Commissioner of Education; the Director of the National Institute of Education; or the Assistant Secretaries of the Department of Education; or state educational authorities, under the following conditions: the school will provide such authorized representatives access to student or other records which 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 (remove) personally identifiable data unless specifically authorized to do so by state and federal laws.

In compliance with a judicial order or subpoena upon condition that the parent or the eligible student is notified in advance of the compliance or that reasonable efforts were made to notify both parties, particularly in the case of former students.



In case of health or safety emergency when such information is necessary to protect the student or other individuals. Factors that need to be taken into account in determining whether personal information may be disclosed without consent in this category include:

- the seriousness of the threat to health and safety;
- the immediate need for the information;
- the degree to which the party requesting the information can deal with the emergency; and
- the extent to which time is of the essence in dealing with the emergency.

Disclosure to accrediting organizations to carry out their accrediting functions.

Disclosure to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

- develop, validate, or administer predictive tests;
- administer student aid programs; or
- improve instruction.

Such studies shall be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization. The information collected and utilized in such studies shall be destroyed when no longer needed for the purposes for which the study was conducted.

Requests from police, juvenile court staff, probation officers and the like, can only be accommodated after receiving consent, unless compliance with the request meets the requirements of another exception, such as to protect the health and safety of the student.

Child Welfare Agency representatives and agency caseworkers can obtain educational records of children within their care and protection without the consent of the parent or guardian.

If the primary language of the eligible person is one other than English, such eligible person may invite an interpreter/translator to the records inspection and review, or request that C.E.S. or the LEA assist in providing an interpreter/translator.

The eligible person may also bring an advocate to the records inspection and review for the purpose of helping to ask questions and interpret information.

Personally identifiable information contained in the student record must not be furnished in any form (written, taped, person-to-person) to any persons other than those listed above, unless there is written consent from the parent(s) or eligible student indicating the records to be released, the reason for such a request, and to whom (agency, person, etc.) said records will be released. The student's parent(s) or eligible student, if they so desire, are to be provided a copy of released records.

Directory information may be disclosed without written consent, unless the parent(s) or eligible student has advised C.E.S. to the contrary. In order to prevent the disclosure of directory information, parent(s) and eligible students must notify their child's Program Administrator in writing that they do not want their child's / their own directory information released without their prior consent. The administrator will provide parents

and eligible students of their right to opt out of having their child's / their own directory information released without prior written consent. The notice will be contained in the annual packet of information mailed to parent/guardian prior to each school year, or will be given to the parent at the time of placement during the school year. The notice will also be contained in the annual parent guide or handbook.

The preceding individuals, agencies, or organizations entitled access to records without parental consent, are required to complete and sign a form specifying the legitimate educational or other interest that such person, agency, or organization has in seeking such information. This form shall be available to parent(s) or the eligible student and school officials and shall be kept with educational records of each student.

The only exception to the above procedures will be in cases where the record or parts of the record are needed because of anticipated or impending legal proceedings.

#### Receipt of Records

C.E.S. occasionally obtains information relevant to a student's educational program which is neither on loan from the LEA nor generated by C.E.S. education personnel. In such cases, the procedures are as follows:

1. Consent from an eligible person will be secured through the completion of the appropriate C.E.S. form Permission to Obtain Records or the source agency's consent form to release records (See Appendix, Form #10).
2. The Custodian of Records, or the C.E.S. Program Administrator who receives the record, will sign Form 10 indicating when and from whom the record was obtained.
3. Any record acquired in this fashion will be placed in the student's file, and a copy forwarded to the referring LEA.

#### Destruction/Retention of Records

Student educational records will be maintained and disposed of or expunged in accordance with the Public Records Administration Municipal Records Retention Schedule regarding Educational Records, as amended from time to time.

Records of students placed by LEA's or other state agencies in C.E.S. special education programs are to be considered on loan to C.E.S. during the student's period of enrollment. Therefore, retention and destruction of this information is an obligation of the LEA (except where noted below). Records maintained by C.E.S., when no longer needed to provide education services, will be returned to the LEA for appropriate retention and destruction.

Timelines for the destruction of records are determined by the category under which the record falls (See Schedule in Appendix C)

A suspension notification generated by C.E.S. will be removed from the student record when the student graduates. Destruction of expulsion notifications will be handled by the student's responsible board of education in accordance with law and their policy/procedures.

#### Amendment of Student Records

Parent(s) and eligible students shall have the right to request deletions or amendments of any information contained in the student's record. Such amendments shall be made in accordance with the procedure described below.

Parent(s) or eligible students shall request a conference with the Custodian of Records to make their objections known and state in writing what should be amended.

The Custodian of Records shall, within a week after the conference, render to such student and his parent(s) a decision, in writing, stating the reason or reasons for the decision.

If the decision is in favor of the student and the parent(s), the Custodian of Records shall promptly take steps as may be necessary to put the decision into effect.

If the Custodian of Records decides that an amendment of data in accordance with the request is not warranted, the custodian shall so inform the parent(s) or eligible student and advise him of the right to a hearing in accordance with the Hearing Rights and Procedures section below. Parent(s) and eligible students shall have the right to add information, comments, data, or other relevant materials to a student's record, if they believe that information in the student's record is inaccurate or misleading or violates privacy or other rights of the student. Additionally, if the parent(s) or eligible student chooses not to request a hearing, the parent(s) or eligible student has the right to place in the record a statement of his position regarding the decision of the Custodian of Records.

For C.E.S. Special Education Division, procedures will be in accordance with the policy of the LEA responsible for placing the student.

For C.E.S. Special Education Division, upon a request for amendment, the Custodian of Records will contact the LEA to arrange for a response within 10 school days of the request. The eligible persons must identify the part of the record he or she wishes to change, and specify why it is believed that the record in question is inaccurate, misleading or in violation of privacy or other rights.

#### Hearing Rights and Procedures

##### Rights

Upon written request of a parent(s) or eligible student, the school district shall provide an opportunity for a hearing if the parent(s) or eligible student wishes to challenge data to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

If, as a result of the hearing, the school district decides that data are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the data accordingly and so inform the parent(s) or eligible student in writing.

If, as a result of the hearing, the school district decides that the data are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) or eligible student of their right to place in the records a statement setting forth the reasons for disagreement with the decision.

Any explanation placed in the records of the student shall be maintained by the school district as part of the records of the student as long as the record or contested portion thereof is maintained by the school district.

If the records of the student or the contested portion thereof are disclosed by the school district to any eligible party, the statement of parental disagreement shall also be disclosed to that party.

#### Procedures

For C.E.S. district students, in the event that any decision of the Custodian of Records is not satisfactory to the parent(s) or eligible student in whole or in part, the parent(s) or eligible student may appeal the decision of the Custodian of Records to the Executive Director. Requests for such an appeal shall be in writing to the Executive Director.

The Executive Director shall, within two (2) weeks after being notified of such an appeal, review the issues presented and render a written decision to the parent(s) or eligible student, stating the reason or reasons for the decision.

If the Executive Director's decision is not satisfactory to the parent(s) or eligible student in whole or in part, the parent(s) or eligible student have the right of appeal to the C.E.S. Representative Council. The request for such appeal shall be in writing to the Chairperson of the Representative Council.

The Representative Council shall, within four (4) weeks after being notified of such appeal, conduct a fair hearing in executive session to decide the issues presented by the parent(s) or eligible student.

The parent(s) or eligible student shall have the right to be represented by an advocate of their choosing, to cross examine witnesses, to present evidence, and to receive a written decision within ten (10) days of the hearing by the Council.

#### Complaints

Parents and eligible students also have the right to file a complaint with the United States Department of Education concerning any alleged failure by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington DC 20202-4605

### Visitors to C.E.S. Education Programs

All visitors to C.E.S. special education programs will be informed of the rights of parents and students with respect to confidentiality of records and personally identifiable information. The procedures regarding visitors are as follows:

All visitors entering a C.E.S. special education program site will sign the agency visitor's log (See Appendix, Form #6, Visitor's Log) indicating the name of the visitor, date, time and purpose of the visit.

Visitors who by virtue of a program tour have potential access to student information will complete the appropriate form regarding confidentiality (See Appendix, Form #7, Confidentiality Statement).

No visitor will be allowed to take photographs or video students without the consent of the parent(s) or eligible person(s).

C.E.S. education personnel should not provide visitors with any personally identifiable data or information without knowledge that an appropriate Release of Information Form has been signed by the parent or eligible person or that the individual has a legitimate educational interest.

Parents visiting C.E.S. special education programs are restricted to information dealing with their own child/children.

### Training of Educational Personnel

C.E.S. administrators will annually provide their education personnel with a review of federal and state policies and procedures and corresponding agency policies and procedures related to collecting and using personally identifiable information and confidentiality of student records. This annual review will minimally cover:

1. State and Federal policies and procedures;
2. C.E.S. policies and procedures;
3. The rights of parents and eligible persons with respect to access, disclosure and requests to amend, inspect and review of student records;
4. Procedures related to collecting and using personally identifiable information and accessing student records;
5. Maintenance of personal notes and information and working files (i.e., IEPs, raw data) and annual collection of such information by program administrators;

### Confidentiality Practices for C.E.S. "Educational Personnel"

Internal communications of confidential student information among C.E.S. educational personnel and between educational personnel and parents should include the following general practices:

1. Information about students should be shared internally (unless otherwise prohibited by law) only with other educational personnel who have an explicit "need to know" for the benefit of the student.

2. Information shared should be confined to that which is necessary to provide appropriate services.
3. Confidential information about a student is not to be shared with another student or parent of another student unless an imminent life-threatening situation exists or there is no reasonable alternative.
4. Discussions concerning confidential student information should take place in secure locations, not in public places or areas of the school building where others may overhear.
5. Confidential written documentation about a student should always be stored in a secure (locked) location. When in use such documentation should be shielded from the view of others and should never be left unattended.
6. Confidential student information should not be left as a message or a voice mail or on an electric mail system.
7. Confidential student information that is to be mailed or carried should be placed in an envelope marked "confidential".
8. Confidential student information to be discarded should be shredded/destroyed in accordance with agency procedures.
9. The parameters of confidentiality and agency policies regarding confidentiality of student information should always be clearly explained when meeting with parents.
10. Confidential student information should never be shared with external parties (e.g., visitors) without appropriate prior consent.
11. No pictures, slides or videos are to be taken of any child by education personnel without the written permission of the parent or eligible person.
12. Education personnel who wish to take pictures, slides or videos for personal keepsake purposes must obtain written authorization from the parent and provide a copy of this authorization to the program administrator.

#### Privileged Communication

The law provides that some specific confidential relationships will be protected between student and certain educational personnel (e.g., school nurse, teacher, psychologist, social workers) who are prohibited by statutes from disclosing confidential communications without explicit consent of the student, except in specific circumstances (Connecticut General Statutes Section 10-154a to 10-154d).

C.E.S. educational personnel are not required to disclose certain information acquired through a professional communication with a student when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. Educational personnel should confer with their Program Administrator to determine whether this information violates any state law or other agency policy.

When educational personnel obtain physical evidence from such student indicating that a crime has been or is being committed by such student, educational personnel are required to turn such evidence over to program administrators or law enforcement officials within two (2) school days after receipt of such evidence. Program administrators will then turn over such evidence to law enforcement officials within three (3) days.

- In turning over such evidence the educational personnel is not required to disclose the name of the student from whom such evidence was obtained.
- Any such educational personnel, who in good faith, discloses, or does not disclose such professional communications, shall be immune from any liability, civil or criminal.
- Parents can be denied access to records about such professional communications.

Certain educational personnel (school social workers, school nurse, psychologist) cannot be legally compelled to reveal confidential information they receive from a student without the explicit consent of the student.

- a. Such privileged communications must originate in the confidence that it will not be disclosed.
- b. Educational personnel should clarify in their initial stages of work with students on a level that they can understand their rights with respect to confidentiality as well as instances/parameters of when confidentiality cannot be guaranteed (e.g., reports of potential abuse/neglect, reports of potential harm to self or others).
- c. Educational personnel are not bound to keep confidential professional communications when the student discusses intent to harm themselves or someone else or when disclosure is required by law (e.g., suspected child abuse and neglect) and shall be immune from any liability, civil or criminal when disclosing such knowledge communication in good faith.

#### Responsibilities of the Custodial of Records

- the duty of maintaining and preserving the confidentiality and security of student records;
- the duty to review all records and delete the information that may no longer be valid and useful;
- the authority to grant access or to deny access to records in accordance with district procedures and state and federal law; and
- the responsibility of maintaining, for public inspection, a current list of names of those employees having access to personally identifiable data.

APPENDIX A

C.E.S. Forms Related to Confidentiality of Student Record



COOPERATIVE EDUCATIONAL SERVICES

Form 1

RESPONSE TO  
REQUEST BY ELIGIBLE PERSON TO INSPECT AND PREVIEW STUDENT RECORDS

- a. Original to parent/guardian, majority age student initiating request.
- b. Copy to student record.
- c. Copy to the LEA representative responsible for student (if applicable).

Program: \_\_\_\_\_ Date: \_\_\_\_\_

Dear \_\_\_\_\_:

Parent \_\_\_ Guardian \_\_\_ Majority age student \_\_\_\_\_

Your request to inspect and review the educational records of:

\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_ name street town

For reasons of:

\_\_\_\_\_  
\_\_\_\_\_

Was received on \_\_\_\_\_ (date)

The appointment for the review is scheduled for \_\_\_\_\_ at  
\_\_\_\_\_ date  
\_\_\_\_\_ (a.m.) (p.m.) at the following location:  
time

You may/will be meeting with professional staff members from C.E.S. and from the Local Education Agency (LEA) responsible for the student. They will be prepared to explain the records to you and will answer questions that you might have.

If you speak a language other than English, you may invite an interpreter/translator, or you may request that C.E.S., together with the LEA representative, assist in providing you with an interpreter/translator.

You may also feel free to bring a parent advocate to the conference with you. A parent advocate is someone who can help you to ask questions and interpret the content of the conference.

If you are unable to keep your scheduled appointment, please contact \_\_\_\_\_  
at \_\_\_\_\_ to have it rescheduled.

COOPERATIVE EDUCATIONAL SERVICES

Form 2

RELEASE OF STUDENT INFORMATION/RECORDS

Name of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Program: \_\_\_\_\_ DOB: \_\_\_\_\_

I, \_\_\_\_\_ (Parent/Legal Guardian/Majority Age Student)  
(print name)

grant \_\_\_ do not grant \_\_\_ permission for C.E.S. to release the following information/

records:

\_\_\_\_\_  
\_\_\_\_\_

For the purpose of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approval of Parent/Legal Guardian/Majority Age Student:

\_\_\_\_\_  
(Signature) Date:

Approved: \_\_\_\_\_ Date:

The attached students records are being forwarded with the consent of the Parent/Legal Guardian/Majority Age Student listed above. These records are confidential and shall not be duplicated or disclosed to any third party without obtaining the consent of the Parent/Legal Guardian/Majority Age Student listed above.

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Form 3

NOTIFICATION REGARDING STUDENT RECORDS

Upon request, this form is mailed to parent, guardian or eligible student to provide pertinent information about C.E.S. maintenance of confidential records pertaining to their child or self.

1. Custodian of Records: Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. Content: The student record of \_\_\_\_\_ enrolled in the

C.E.S. \_\_\_\_\_ program contains the following types of information:

- Health
- Medical
- Psychological
- PPT Decision
- Contracts

- Psychiatric
- Educational
- Parent, Guardian
- Student Communications
- Other (explain): \_\_\_\_\_

3. Access: The following C.E.S. personnel have access to the student records:

\_\_\_\_\_  
\_\_\_\_\_

Any other parties requesting access to the records may do so only with your permission.

Access to records is only through a custodian who keeps a record of persons requesting and given access to the record.

The designated Custodian(s) of the Records in the program are: \_\_\_\_\_

4. Location: Records are physically located:

- a. Office of Program's Central File
- b. Classroom - Teacher's Working File
- c. Nurse's Office - Health File
- d. Special Staff - Working Files - list specialists:

5. Additional Information: You, as the parent, guardian or student at the age of majority, may request to review a student record and are entitled to acquire one free copy of the record by contacting by contacting the C.E.S. program where the student is enrolled, in writing, which will initiate the appropriate procedures. Upon request, you may obtain a complete copy of C.E.S. policies and procedures regarding confidentiality and the maintenance of school records.

PLEASE DO NOT REMOVE ANY INFORMATION FROM THIS FOLDER

FORM 4 -- REVIEW OF STUDENT RECORDS

DATE	REVIEWED BY	PURPOSE		DATE	REVIEWED BY	PURPOSE

COOPERATIVE EDUCATIONAL SERVICES

Form 5

MEMO OF UNDERSTANDING RE: STUDENT IEPs

Program:

I, \_\_\_\_\_, have accepted a copy of the approved

Individual Education Program (IEP) for:

\_\_\_\_\_ for the purpose of implementing his/her

(Name of Student)

instructional program for the period beginning: \_\_\_\_\_ and

(beginning date)

ending \_\_\_\_\_.

(ending date)

I understand that the information contained in the IEP is to be kept confidential. I further understand that I am entrusted with the safekeeping of this IEP, and that it is to be returned to the program administrator on or before \_\_\_\_\_ for replacement in the student's file.

\_\_\_\_\_  
(Signature of Staff Member)

\_\_\_\_\_  
(Date)

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Form 7

CONFIDENTIALITY STATEMENT

Program: \_\_\_\_\_

Dates of Visitation \_\_\_\_\_

Times of Visitation: \_\_\_\_\_

I understand that Federal and Connecticut State law protects the rights of disabled students and the confidentiality of their records and identities. The release of any oral or written information regarding the progress or identity of a particular student must first be approved by the Program Administrator and only after written consent is obtained from the student's parents. With respect to the rights of the children at the program, I agree to see that all such information is kept confidential.

Name: \_\_\_\_\_  
(please print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

COOPERATIVE EDUCATIONAL SERVICES

Form 8

RECEIPT FOR RECORD RETURN OR TRANSFER

The  acknowledges the receipt of  
(LEA, C.E.S. Program)

the educational records of   
(Name of Student)

as of    
(Dismissal Date) (Custodian of Records)

of Cooperative Educational Services.

Name: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For Special Education placements return a copy of this form to: M. Regan  
C.E.S.  
25 Oakview Dr.  
Trumbull, CT 06611

For Six to Six Interdistrict Magnet placements return a copy of this form to: A. Nelmes-Stoughton  
Six-to-Six  
601 Pearl Harbor St.  
Bridgeport, CT 06610





COOPERATIVE EDUCATIONAL SERVICES

Form 10

PERMISSION TO OBTAIN STUDENT INFORMATION

Name of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Program: \_\_\_\_\_ DOB: \_\_\_\_\_

The purpose of this release form is to enable C.E.S. to obtain information about the student which is relevant to his or her enrollment in the program.

I, \_\_\_\_\_ (Parent/Legal Guardian/Majority Age Student) grant  
(print name)

do not grant \_\_\_ permission for the release of the following information:

\_\_\_\_\_

The above named information is to be released to: Cooperative Educational Services  
c/o \_\_\_\_\_  
25 Oakview Drive  
Trumbull, CT 06611

This information is requested for the purpose of:

\_\_\_\_\_

I understand that this information and/or records will be placed in my (majority age student), or my child's educational record maintained at C.E.S., and unless otherwise specified, may be shared with Local Education Agency responsible for placement at C.E.S.

Approval of Parent/Legal Guardian/Majority Age Student

\_\_\_\_\_

(Signature)

(Date)

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The attached information/records were received from \_\_\_\_\_  
(ind./agency)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature of Individual Receiving Information)

