
STUDENT RECORDS

The Bangor School Department maintains a variety of records in accordance with the federal guidelines of the Family Educational Rights and Privacy Act of 1974. These records may be found in the locations listed below. Only the academic record is maintained in perpetuity by the school department. Other records, which are temporarily utilized during or shortly after the student's tenure in a specific school, will be destroyed in accordance with this policy. At the discretion of the building administrator or designee, disciplinary records may be forwarded from school to school

| Type of Record | Location | Custodian |
|-----------------------------------------|---------------------|----------------------|
| <u>Elementary Schools</u> | | |
| Cumulative Folder | School Office | Guidance |
| Health Cards | School Office | Counselor |
| Instructional Information Folder | Individual Teacher | Nurse |
| Special Education Folder | School Office | Counselor, Teacher |
| Emergency Cards | School Office | Principal, Guidance |
| Secretary | | |
| Attendance Cards | School Office | Secretary |
| Disciplinary Cards | Principal's Office | Principal |
| Permanent Record Cards | Guidance Office | Counselor |
| Free and Reduced Price Meal Application | School Office | Secretary |
| <u>Middle School</u> | | |
| Cumulative Folder | Guidance Office | Counselor |
| Health Cards | Guidance Office | Nurse |
| Instructional Information Folder | Guidance Office | Counselor, Teacher |
| Special Education Folder | Guidance Office | Counselor |
| Emergency Cards | School Office | Secretary |
| Attendance Cards | Assistant Principal | Assistant Principal |
| Disciplinary Cards | Assistant Principal | Assistant Principal |
| Permanent Record Cards | Guidance Office | Counselor |
| Free and Reduced Price Meal Application | School Office | Secretary |
| <u>High School</u> | | |
| Cumulative Folder | Registrar's Office | Counselor |
| Health Cards | Registrar's Office | Nurse |
| Instructional Information Folder | Registrar's Office | Counselor |
| Special Education Folder | Registrar's Office | Counselor |
| Emergency Cards | School Office | Secretary |
| Attendance Cards | Attendance Office | Assistant Secretary |
| Disciplinary Cards | Assistant Principal | Assistant Principal |
| Permanent Record Cards | Registrar's Office | Counselor/Dept. Head |



| | | |
|-----------------------------------------|-------------------------------|---------------------------|
| Free and Reduced Price Meal Application | Food Service Manager's Office | Food Service Manager |
| <u>Business Office</u> | | |
| Federal Survey Forms | Business Office | Dir. of Business Services |

POLICY:

It shall be the policy of the Bangor School Department to provide for the confidentiality of all student educational records that are maintained by the Bangor School Department, consistent with Maine law and the federal Family Educational Rights and Privacy Act (FERP A). These rights and privileges apply to all parents and students. However, to the extent that rights and privileges pertaining to special education students provided for under Federal and State laws differ from the rights and privileges of students under FERP A, then the rights and privileges regarding special education students will be applied in the management of their educational records. The Bangor School Department has adopted Maine Special Education Regulations Chapter 101 15.1 - 15.10 for the policies and procedures it will use in complying with 34 CRF Part 300.560-300.574 Confidentiality of Information.

DEFINITIONS:

Education Record - An education record means any information or data recorded in any medium including, but not limited to, handwriting, print, computer media, video or audio tape, microfilm or microfiche, which contains information directly related to a student and is maintained by any school or office within the Bangor School Department or which is maintained by any person acting on behalf of such school or office. An educational record, however, does not include the records of instructional, supervisory, and administrative personnel and educational personnel that are in the sole possession of the maker thereof, and are not accessible or revealed to any person other than a temporary substitute or the maker of the record. Further, education records do not include the records of a student who is eighteen years of age or older or a student who is attending an institution of post-secondary education that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in the capacity of providing treatment to students.

Directory Information - means the following information contained in an education record of a student: the student's name, address, telephone number, participation in officially recognized activities and sports, weight and height of members of athletic teams, grade level in school of participants in extracurricular activities, dates of attendance at school, most recent school attended by the student, date of graduation, and honors and awards received.

Directory information concerning students in attendance will routinely be released to the public and the media for honor roll, student activities, playbills, yearbooks, sports programs and, at the request of a student, to the prospective employers of that student, provided that the Bangor School Department has given the notification required by FERP A to parents and to eligible students and has not received a timely written notice refusing permission to designate some or all of the types of information about the student as Directory Information. Such requests should be made in writing to the student's Principal and shall be honored by the Principal.



It is the policy of the Bangor School Department not to release class lists to recruiters representing colleges, civic organizations, commercial organizations, or similar parties. Pursuant to federal law, the Bangor School Department will release the name, address and telephone number of students to military recruiters upon request. Parents have the right to prevent dissemination of information to military recruiters by notifying the school, in writing, of their desire not to have the information disseminated without prior written consent.

Personally Identifiable - means data or information including the name of the student, name of parents or other family members, address of student, a personal identifier such as social security number, or a list of personal characteristics which make identify traceable. Such information requires the signature of a parent or eligible student before being released to another private individual or agency.

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

Eligible Student - means a student who has attained eighteen years of age, has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his/her own behalf, or is attending an institution of postsecondary education.

Parent - means a parent (regardless of divorce or separation), a legal guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. (An educational agency or institution may presume that the parent has the authority to exercise the rights inherent in the Family Education Rights and Privacy Act unless the agency or institution has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody or a legally binding instrument which provides to the contrary.)

Student - includes any individual with respect to whom the Bangor School Department maintains education records.

ACCESS TO RECORDS:

Access rights - An eligible student and, for all other students the parent or legal guardian of the student, is entitled to inspect and review educational records. Parents or eligible students may question the academic record, although the correctness of grades may only be questioned based upon a clerical or mechanical mistake, fraud, bad faith, or incompetence. The Bangor School Department shall actively respond to reasonable requests for explanation and interpretation of the records.

A written request by the above-mentioned parties to inspect education records should be submitted to the building principal. Such requests shall be honored promptly, but in no case later than 45 days shall pass before compliance. Records may be viewed by appointment during the usual hours when school offices are open. The Superintendent of Schools or a designee will list the types and locations of all records, the names and titles of officials responsible for those records, and the names of non-school personnel



who have received copies or reviewed the education records.

Students under eighteen (18) years of age may see the following records without parent approval: test results, school grades, attendance information, and progress reports.

Letters of recommendation which are kept on file by the school department are open to the student's and parent's inspection except when a student has waived in writing the right to inspect or review confidential letters of recommendation and confidential statements of recommendation respecting admission to an educational institution, application for employment, or receipt of an honor or honorary recognition.

Since educational records are the property of the school department, the review of records shall take place in the presence of the custodian of the records or the custodian's designee. Copies of records may be obtained at a cost determined annually by the Superintendent of Schools.

AN EDUCATIONAL AGENCY OR INSTITUTION MAY PRESUME THAT EITHER PARENT OF THE STUDENT HAS AUTHORITY TO INSPECT AND REVIEW THE EDUCATION RECORDS OF THE STUDENT UNLESS THE AGENCY OR INSTITUTION HAS BEEN PROVIDED WITH EVIDENCE THAT THERE IS A LEGALLY BINDING INSTRUMENT, OR A STATE LAW OR COURT ORDER GOVERNING SUCH MATTERS AS DIVORCE, SEPARATION, OR CUSTODY, WHICH PROVIDES TO THE CONTRARY.

Notwithstanding the paragraph above, the school may deny a request for access to or a copy of the student's record 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.

Cumulative Folder - Cumulative folders may contain the following information:

1. Access to records form
2. Special Education folder with FLOW CHART printed on it and
 - a. Pupil Evaluation Team letters and minutes (PET)
 - b. Pupil Evaluation Team consent forms
 - c. Individualized Educational Program (IEP)
 - d. Required Special Education forms
3. Health card/physician's report
4. "Old" year end summary letters
5. Test record card
6. Report card
7. Registration form
8. Written test reports and protocols



9. Test permission forms
10. Psychological evaluations
11. Discipline records

Storage - All permanent records (transcripts) and current student cumulative folders will be stored in fireproof files.

DISCLOSURE OF RECORDS:

Prior Consent For Disclosure Required - Written consent of the eligible student, and the written consent of the parent for other students, is required before disclosing personally identifiable information from the education records of the students other than directory information. (In the case of eligible students, the student is the only one who may provide such consent; parents may not provide the consent). The written consent must be signed and dated and shall specifically describe the records to be disclosed, the purpose or purposes of the disclosure, and the party or class of parties to whom the disclosure may be made.

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

Exceptions - Personally identifiable information may be disclosed without prior consent if the disclosure is to:

1. School department administrators and officials, including directors, principals, assistant principals, board members, counselors, teachers, psychologists, secretaries, nurses, school social workers, speech and physical therapists, parents or students serving on an official committee such as a disciplinary or grievance committee, contracted providers of educational services for the child, and others whom the Bangor School Department has determined to have legitimate educational interests.
2. State and local educational officials or authorities, the Comptroller General of the United States, or the Secretary of the U.S. Department of Education (including those acting for the Secretary) in connection with the audit and evaluation of federal and state supported educational programs or for enforcement of or compliance with federal legal requirements, and to state and local educational authorities as required by state statute and permitted by federal law. This does not include police officers, probation officers, or Department of Human Services personnel, except in cases of child abuse. Disclosure may be made to police officers, probation officers, and Department of Human Services personnel if in connection with an emergency and such information is necessary to protect the health or safety of the student or other persons or as otherwise permitted by state and federal law.
3. School accrediting organizations for the purpose of carrying out their accrediting functions.



4. Parents of a student who is a dependent for income tax purposes as defined by the Internal Revenue Service.
5. Institutions to which the student has applied for or has received financial aid if the information is necessary to determine the eligibility, amount or conditions of the aid or to enforce the terms or conditions of the aid.
6. Compliance with a judicial order or a lawfully issued subpoena on the condition that reasonable effort is made to notify the parents of the student or the eligible student of all such orders or subpoenas in advance of the compliance therewith by the school, unless the subpoena or judicial order directs that the disclosure not occur.
7. Officials of another school or school system, or institution of post-secondary education, in which the student seeks or intends to enroll upon the condition that the eligible student or, for all other students the students' 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.
8. Organizations conducting studies for or on behalf of educational agencies or institutions, including, but not limited to, studies for the purpose of developing predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students and their parents.
9. A court of law, if relevant to an action brought by the parents of the student against the school unit, or brought by the school unit against the student or the student's parents.
10. Appropriate parties in a health or safety emergency provided that knowledge of the information is necessary to protect the health or safety of the student or other individuals. This disclosure may include release of appropriate information to school officials in other school units about disciplinary action taken against a student for conduct that posed a significant risk to the safety or well being of that student or other members of the school community, if the officials in the other school unit have legitimate educational interest in the behaviors of the student.
11. Criminal justice agencies or other agencies that by court order or agreement are responsible for the juvenile in circumstances as described in 20-A MRSA §6001(3).
12. Other circumstances specifically allowed or required by law.

Transfer of Records - Pursuant to 20-A MRSA §6001-B, when a student transfers from a school within the Bangor School Department to another school unit in Maine or elsewhere, it is the policy of the Bangor School Department to forward a copy of a student's education records, including special education records, to the receiving school unit upon request of the receiving institution or upon notification of the student's enrollment at that institution. At the request of the receiving school unit, the student's current or former administrator will disclose, orally or in writing, whether the student seeking admission has been expelled, suspended, or is the subject of an expulsion or suspension hearing. Parents/guardians shall be notified of the transfer, and shall be provided with copies of records upon request, as noted in subparagraph G, above. Original records will be mailed to the receiving school. Students



transferring within Bangor schools will routinely have records forwarded to the receiving school.

Directory Information concerning former students may be disclosed without parental consent.

The Bangor School Department reserves the right to make public at its discretion personally identifiable information from the education records of a student if that information has been designated as directory information as that term is defined within this policy, unless the parent of the student or eligible student informs the school in writing by the first of September for the upcoming year or within thirty (30) days after enrollment, whichever is later, that such personally identifiable information is not to be designated as directory information with respect to that student.

All disclosure of information under this section shall comply with applicable federal and state regulations and guidelines.

Record of Disclosures - The school will maintain a record of disclosures of personally identifiable information from the education records of a student and will permit a parent or eligible student to inspect that record, except that such record shall not include disclosures to the parent of a student or eligible student, disclosures pursuant to written consent, disclosures to school officials, or disclosures of directory information.

DISPOSAL OF RECORDS:

Culling Records - Student records may be culled annually of outdated information and will be routinely culled at the end of grade five (5) and eight (8). Material to be culled includes, but is not limited to, the following: Kindergarten screening tests, standardized test booklets, individualized test protocols three (3) years or older, and teacher year-end summaries.

Disposal of Records - It is the policy of the Bangor School Department to retain cumulative folders of former students and graduates for a period of five (5) years following a student's leaving, transfer, or graduation. After five (5) years all records except the permanent record card shall be destroyed. Until such time as permanent records are computerized the permanent record cards shall be transferred to and retained at Bangor High School at the end of five years; all other records shall be destroyed at the school having retained such records for the five-year period.

Federal Survey Forms will be retained for a period of five (5) years from the survey date. Free and reduced price meal application forms will be retained for a period of three (3) years after the end of the fiscal year to which they pertain. (7 CFR, Part 210.8, Section EI4.)

Limitation on Disposal of Records

1. The school will not destroy any educational record, or part thereof, if there is any
2. outstanding request to inspect or view such records.



3. In addition, the record of access shall be retained for as long as the education record to which it pertains is maintained.
4. The school shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records shall be destroyed at the request of the parents and may be turned over to the parents or eligible student upon their request.
5. A permanent record of a special education student's name, address, phone number, grades, attendance record, classes attended, and grade and year completed shall be maintained without time limitation.

ANNUAL NOTICE TO PARENTS:

Annual Notification - Parents and eligible students shall be notified annually of their rights under the Family Educational Rights and Privacy Act. This notification will be published in the Bangor School Department Communique or the Bangor Daily News annually and in each school's student handbook. Such notification shall state where copies of this policy may be obtained.

Parents of students receiving special education services will be annually notified of their access to student records and confidentiality rights as indicated below for Students Receiving Special Education Services.

REQUESTS TO AMEND EDUCATION RECORDS:

Challenge Procedures - After reviewing a record and deciding that some aspect of the record is incorrect, misleading, or otherwise in violation of the privacy rights of the individual, the parents and/or eligible student may challenge the contents of the record and seek correction of education records. The parent or eligible student may attempt to resolve the problem through informal discussion with the custodian of the record. If no agreement is reached in this manner, the parents and/or eligible student should file a request with the Principal of the school in question to amend the records in question. The Principal shall, within fifteen (15) days of the receipt of the request, either amend the information in accordance with the parent's request or, if the Principal decides to refuse to amend the records, the Principal shall so inform the parent of the student or the eligible student of the refusal, and advise the same of the right to a hearing. Hearing procedures shall be established by the Superintendent of Schools and conducted in a reasonable period of time. The person requesting the amendment of the records has a right to place a statement of rebuttal in the challenged records if no change has been made.

Conduct of the Hearing - The required hearing shall be conducted according to procedures, which shall include at least the following elements:

1. The hearing shall be held within a reasonable period of time after the Superintendent of Schools has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably



in advance of the hearing.

2. The Superintendent of Schools may designate an individual to conduct the hearing. Any party, including an official of the Bangor School Department who does not have a direct interest in the outcome of the hearing, may conduct the hearing.
3. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The Superintendent of Schools shall render a decision in writing within a reasonable period of time after the conclusion of the hearing.
5. The decision of the Superintendent of Schools shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
6. If as a result of the hearing the Superintendent of Schools decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, he/she shall amend the education records of the student accordingly and so inform, in writing, the parent of the student or the eligible student.
7. If, as a result of the hearing, the Superintendent of Schools decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, he/she shall inform the parent or eligible student of the right to place a written statement commenting upon the contested information in the education records and/or setting forth any reasons for disagreeing with the decision of the school.
8. Any explanation placed in the education record of the student under the preceding paragraph shall be maintained by the school as part of the education records of the student so long as the record or contested portion is maintained by the school, and if the education records of the student or the contested portion is disclosed by the school to any party, the explanation shall also be disclosed to the party.

STUDENTS RECEIVING SPECIAL EDUCATIONAL SERVICES:

Parents of students receiving special education services also have the following student records access and confidentiality rights:

1. Receive, upon request, a list of the types and locations of education records kept on your child.
2. Inspect and review any of their child's education records relating to their child with respect to identification, evaluation, and educational placement of their child and the provision of a free appropriate public education to their child. Such parental requests will be complied with without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, placement, or provision of appropriate services to their child, and in no case more than 45 days after the request has been made.



3. Receive copies of the records for a minimal duplication cost.
4. Have someone at their child's school respond to reasonable requests to explain or interpret any item in their child's records that they do not understand.
5. Have a person of their choosing inspect and review the records.
6. Ask for an amendment of any record on the grounds that it is inaccurate, misleading, or violates privacy rights.
7. Request an administrative review and hearing on the issue if the Bangor School Department refuses to make an amendment.
8. The right to place a statement commenting on the information in the student's records including their reasons for disagreeing with the school's decision, if as a result of the hearing, the school decides that the record is not inaccurate, misleading or a violation of privacy. If the school does decide that the record is misleading, inaccurate or a violation of privacy, the school must amend the record accordingly and inform them in writing.
9. Refuse consent for the disclosure of personally identifiable information related to your child to anyone other than school officials or persons acting in an official capacity for the State Education Agency or the U.S. Department of Education.
10. Refuse consent for the use of personally identifiable information related to their child for any purpose other than the identification, evaluation, individualized educational plan, or educational placement of their child, or the provision of a free appropriate public education to their child.
11. Receive notice when the personally identifiable information collected, maintained, or used is no longer needed to provide educational services to their child. The information must be destroyed at their request. However, a permanent record of a student's name, address and telephone number, his or her grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitation.

STUDENT RIGHTS:

When a student becomes an eligible student, the rights accorded to and the consent required of the student's parent shall thereafter transfer to the eligible student.

WAIVERS OF RIGHTS:

A parent or eligible student may waive any of his or her rights regarding confidentiality of educational records as set forth in this policy and in the Act, but such waiver must be in writing and signed by the parent or student, as appropriate. The school may not require that a parent of a student, or a student, waive his or her rights.

A waiver under this section may be revoked with respect to any actions occurring after the revocation. A revocation under this paragraph must be in writing. If a parent of a student executes a waiver under this section, the student, any time after he or she becomes an eligible student, may revoke that waiver.



COMPLAINT PROCEDURE:

The Secretary of the United States Department of Education maintains an office that will investigate, process and review complaints, which may be filed concerning alleged violations of the provisions of the Act. Complaints regarding violations of rights accorded parents and eligible students may be submitted in writing to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605
Telephone: (202) 260-3887
Fax: (202) 260-9001
[www.ed.gov/offices.OII/fpco/](http://www.ed.gov/offices/OII/fpco/)

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