

LONDONDERRY SCHOOL DISTRICT CONFIDENTIALITY POLICY

PREAMBLE

It is the policy of the Londonderry School District to respect the privacy, dignity, and confidentiality of all students attending the Londonderry School District. This policy covers student records, medical information, and other personally identifiable sources of information. It is the policy of the Londonderry School District 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 Londonderry School 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 Londonderry School District that the building Principal of each school, or his/her designee, shall be the custodian of all student records for that school. The Londonderry School 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 Londonderry School District will only release personally identifiable information, other than directory information defined herein, to the following individuals:

- a. school officials, including teachers within the school, along with others who have been determined by the school to have a legitimate educational interest associated with the information in question;
- b. parents, students, and individuals who are given the appropriate prior written consent;
- c. officials of other schools which the student seeks enrollment, upon the condition that the student's parents be notified prior to the transfer of the information and there is adequate opportunity to challenge the content of the records so transferred;
- d. authorized representatives of the Comptroller General of the United States;
- e. in connection with student's application or receipt of financial aid;
- f. State, local or federal officials or authorities to whom the information is specifically allowed to be reported to by the school, pursuant to state or federal law;
- g. disclosure is required pursuant to validly issued subpoena.

Employees of the Londonderry School 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 Student Records prior to the disclosure of any personally identifiable information. If the individual seeking such information is not listed as a person entitled to receive such information, the employee shall not disclose any information until appropriate written authorization has been received. The building Principal for each school, or his/her designee, shall make the final determination about whether an employee of the Londonderry School 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 School 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/programing 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 School 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 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 Londonderry School District will, unless otherwise directed by an eligible student and/or parent(s), shall 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
- d. the name of the school the student is currently attending
- e. achievement awards or honors
- f. height, weight, performance of members of athletic teams
- g. street address or postal box number¹

Directory information may be published in student yearbooks, School District web sites, athletic publications, radio programs, television broadcasts, performing group graduation programs, and in the publication of achievement awards and honors for individual students. This information may also be disseminated to local newspapers in accordance with school sponsored sporting activities and/or programs. 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 Londonderry School District, individuals may make certain observations that may disclose personally identifiable information about a student. These observations may indicate the nature of disabilities and/or accommodations that are made in response to such disabilities. These observations, by their very nature, may result in the employee or the volunteer receiving 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 Londonderry School District without specific written authorizations for the release of such information. Such written authorizations may appear in the Student Information Sheet that is provided by the student and/or parents at the beginning of each school year or may be supplemented or amended as necessary. If the employee or volunteer has any question as to whether the individual is entitled to receive such information, then the building Principal or Designee shall be consulted prior to disclosure.

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

¹Subject to Superintendent approval, organizations involved with school-sponsored activities (i.e. Washington trip) may be provided with student addresses for the purposes of notifying students and/or parents of pertinent information.

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 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 back ups of such information exist in accordance with the School District’s storage and student record retention policies.

DEFINITIONS

- A. LEGITIMATE EDUCATIONAL INTEREST. For the purposes of this Policy, 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 physician, and any members of a diagnostic and placement team who have responsibility for developing an appropriate educational program for the student.
- B. NEED TO KNOW. For the purposes of this Policy, school officials with a “need to know” 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 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 Londonderry School 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, athletic personnel, school resource officer, and cafeteria monitors etc.

- C. ELIGIBLE STUDENT. For the purposes of this policy, the term “eligible student” shall be deemed to pertain to student that has reached the age of majority or a student who have 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 Londonderry School District is directed by the “eligible student”, in writing, not to disclose such information to the parents.

LONDONDERRY SCHOOL BOARD

1st Reading: May 4, 2004

2nd Reading: May 18, 2004

3rd Reading for Adoption: June 1, 2004