Student Records Policies and Procedures

RECORDS COLLECTION:

The Board of School Directors provides representational consent of parents and eligible students for the collection of basic identifying information and the administration of aptitude and achievement tests.

Parents and eligible students shall be notified annually of:

1. The policies and procedures of the school district regarding student education records.

2. The data collected through representational consent.

3. The criterion for determining who constitutes a school official and what constitutes a legitimate educational interest.

4. The conditions for disclosure, dissemination and destruction of information.

5. The rights and procedures for parents or eligible students:
    a. to access education records

    b. to seek an amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

6. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family and Educational Rights and Privacy Act and 34 C.F.R. § 99.31 authorize disclosure without consent.

7. The right to file with the Department of Education a complaint under 34 C.F.R. §§ 99.63-99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act and 34 C.F.R. § 99.7

See Attachment A for the Notification of Rights under FERPA. This is sent to parents annually.

The student or the parents or guardian of a dependent student may request that specific data, e.g., awards, part-time employment, volunteer service in school or community, be placed on the student's file. If such information is verified and of recognized relevance, it may be added to the file. Also, the student or parent may submit a disclaimer concerning the appropriateness or validity of any material in the file. Such statement shall be dated, signed, and kept in the file as long as the material it concerns remains in the file. The appeal process outlined in this policy shall apply for this purpose.

References:
22 Pa. Code § 12.33
34 C.F.R. § 99

SECURITY, PRIVACY, REQUEST FOR AMMENDMENT:

The Director of Student Services, or designee, shall be responsible for education record maintenance and access and for the education of staff about maintenance and access policies. The principal of the school is responsible for implementing the policy concerning student education records in the building. All school personnel having access to education records should receive periodic training in security, with emphasis upon privacy rights of students and parents.

Records are to be kept secure at all times under the supervision of the building principal or designated agent.

In addition to the submission of a disclaimer, a parent or eligible student has the right to challenge the validity or appropriateness of any information in the education record and request that such information be corrected or deleted.

A parent or eligible student, who believes that information in education records collected, maintained or used by the school district is inaccurate or misleading or violates the privacy or other rights of the student, has the right to request that the building principal amend the information under the following procedures:

1. The parent or eligible student shall submit, in writing, to the building principal a request for amendment which shall include a brief statement which specifies the record(s) to be amended and the reason that an amendment is requested.

2. The building principal shall decide whether to amend the information in accordance with the requests of the parent or eligible student within a reasonable time period after receipt by the principal of the request to amend, but not more than fifteen (15) days.

3. If the building principal decides to amend the information in accordance with the request, the principal shall notify the Superintendent or designated agent. After approval by the Superintendent, the building principal shall notify the parent or eligible student, in writing, of the decision to amend the record.

4. If the building principal decides to refuse to amend the information in accordance with the request of the parent or eligible student, the principal shall inform the parent or eligible student, in writing, of both the refusal and the specific reason(s) for the refusal, and shall notify the parent or eligible student, in writing, of their rights to request and receive a hearing.

If the parent or eligible student, upon receiving written explanation from the principal, still feels a need to challenge information in the education record, the parent or eligible student shall, upon written request to the Superintendent, be granted a hearing in accordance with the following provisions:

1. The hearing shall be held at a mutually agreed upon time and place within a reasonable time of receiving the written request, but not more than thirty (30) days. The parent or eligible student shall be given notice of the date, place and

time within a reasonable time period in advance of the hearing, but not less than ten (10) days in advance of the hearing.

2. The Superintendent or designee, who shall not have a direct interest in the outcome, shall conduct the hearing. Under no circumstances will the building principal who initially received the request for amendment of the record be involved in the hearing process other than to offer testimony.

3. The parent or eligible student may be represented by counsel at their own expense and will be afforded a full and fair opportunity to present evidence.

4. Within a reasonable period of time after the conclusion of the hearing, but not more than fifteen (15) days, the Superintendent or designees will make its decision based solely on the evidence presented at the hearing and will include a summary of the evidence and reasons for its decisions.

5. If, as a result of the hearing, the Superintendent or designee decides to amend the record, he/she shall so notify the parent or eligible student, in writing.

6. If, as a result of the hearing, the Superintendent or designee decides not to amend the information, the he/she shall inform the parent or eligible student, in writing, of their rights to place in the education record a statement which sets forth the written comments of the parent or eligible student upon the information in the education record, or reason(s) for disagreeing with the decision of the school district, or both written comments and reasons.

7. The statement of the parent or eligible student shall be appended by the Superintendent or designee to the education record so long as the record or the contested portion thereof is maintained by the school district.

8. If the education record of the student or the contested portion thereof is released to any party, the statement of the parent or eligible student shall also be released to the party.

A parent or eligible student also has the right to file complaints concerning acts of noncompliance with this policy by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-4605.

References:
34 C.F.R §§ 99.21-99.22
34 C.F.R. § 99.63

DISSEMINATION OR DISCLOSURE:

The School is often asked to transmit student information to other agencies, institutions or individuals. Since conveyance of education records removes data from the control of the school, stringent precautions are required to protect the rights of the student against infringement of privacy, misinterpretation of data, and inappropriate use.

The school may, without the consent of the student or parent, release personally identifiable information from an educational record of a student to / when:

1. Members of the professional staff and their clerical support (including but not limited to teachers, guidance counselors, school psychologists, home school visitors, administrative personnel, and confidential secretaries) who have a legitimate education interest.

A person having a legitimate education interest shall be defined as:

a. Person(s) directly responsible for providing instruction to the student;

b. Person(s) providing support services to the student; or

c. Appropriate authorities in a health/safety emergency after consideration of the seriousness of the threat, the need for the information to meet the emergency, the position of the requesting party to deal with the emergency, and the extent to which time is of the essence in meeting the emergency.

2. Authorized members of the professional staff of the vocational technical school, and their clerical support staff, if the student is enrolled or seeks to enroll in the technical school.

3. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and state or local educational authorities subject to the requirements of 34 C.F.R § 99.35.

4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

d. Determine eligibility for the aid;

e. Determine the amount of the aid;

f. Determine the condition for the aid; or

g. Enforce the terms and conditions of the aid.

Financial aid is defined as a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

5. State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to:

a. State statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

b. State statute adopted after November 19, 1974, subject to the requirements of 34 C.F.R. § 99.38.

c. Referral to and action by law enforcement and judicial authorities—34 CFS 300.529

(a) Nothing in this part prohibits the District from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) The District reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(c) The District reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Education Rights and Privacy Act.

(Authority: 20 U.S.C. 1415(k)(9))

6. Officials of other primary, secondary, or post-secondary schools in which the student is presented for enrollment or intends to enroll, provided the parent, guardian or eligible student, in advance of the transfer, is notified of the transfer and has an opportunity to challenge the record and to receive a copy of the record if so desired in accordance with 34 C.F.R. § 99.35. (Annual notice prior to the beginning of the school year shall be given to parents or eligible students regarding their rights in cases of transfer of records without consent. This annual notification to parents shall be considered sufficient to meet the intent of record transfers to other educational agencies).

7. Agents or agencies conducting educational research who may request group data, provided:

a. The project is approved according to the school district's policies and guidelines pertaining to research activities;

b. The study is conducted in a manner that does not permit personal identification of the parents and students by individuals other than representatives of the organization; and

c. The information is destroyed when no longer needed for the purposes for which the study was conducted.

8. The disclosure is to accrediting organizations to carry out their accrediting functions.

9. The disclosure is to parents, as defined in 34 C.FR. § 99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code.

10. The disclosure is to the parent of a student who is not an eligible student or to the student.

11. The disclosure is information the educational agency or institution has designated as “directory information.”

Other than as prescribed above, no information from a student education record may be divulged, except:

1. With written consent of the eligible student or former student or the parent or guardian (if the student is a dependent) specifying records to be released, to whom, for what purpose, and with a copy of the records to be released to the consenter, if desired. (For the purposes of this part, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the rights afforded, and the consent required of the parent of the student, shall thereafter only be accorded to and required of the eligible student unless he/she is a dependent as defined in Section 152 of the Internal Revenue Code.)

2. The disclosure is to comply with a judicial order or subpoena. A reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance unless 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 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.

3. If an educational agency or institution and a parent or student are involved in a legal action against each other, the educational agency or institution may disclose to the court, without a court order or subpoena, the educational records that are relevant to the case.

Each matter of request for consent must be handled separately; for example, blanket permission for release of data within an extended period of time may not be solicited since it, by definition, does not provide an opportunity for informed consent.

The school district will annually designate certain personally identifiable information as “Directory Information.” Directory information on former students or students currently enrolled may be disclosed for purposes beneficial to the student or the school district and only with the approval of the district superintendent. It shall not, however, be the policy of the school district to prepare annually and maintain file lists of “directory type

information" for disclosure purposes. Under no circumstances may Springfield School District disclose any directory information to commercial enterprises (except the media).

The parent or eligible student has the right to refuse the disclosure or dissemination of any or all types of directory information by giving the school district written notice within twenty (20) days of publication of the notice. For example, the parent or eligible student has the right to refuse to permit his or her telephone number to be designated as "Directory Information." If he/she does so refuse, Springfield School District may not disclose his or her telephone number, but may disclose the information from all of the remaining categories of "Directory Information." As another example, if a parent or eligible student refuses to designate the students' name as "Directory Information," Springfield School District may not disclose the student's name, even to the media as recognition of academic achievement or to school publications such as sports programs. As a final example, if a parent or eligible student refuses to designate the student's participation in officially recognized activities or sports or the student's diplomas and awards received as "Directory Information," Springfield School District may not disclose this information even to the media or to school publications. Parents or eligible students shall be given public notice relative to this right at the beginning of the school year.

The parent or guardian of a dependent student may have access to all education records. The same access is extended to eligible students and former students who are legally emancipated.

Requests by a parent, guardian or eligible student to inspect and review the education record of a student or to have a designated representative inspect and review the education record of a student are to be directed to the principal of the building in which the student is enrolled or to the District Administrative Offices for the access to inactive records (graduates and withdrawals). Access shall be granted within a reasonable period of time (not to exceed 45 days) and shall be in the presence of the principal or a designated agent for the purposes of security and assistance in explaining or interpreting the data. Below are the locations of educational records:

1. Active student education records of regular students are available in the building in which the student is enrolled. Copies of the record will be provided to the parent or eligible student upon written request at a fee not to exceed duplication costs.

2. Active records of exceptional students are available at the following locations, depending on the nature of the information and its relative need in the daily educational activities of the student.

<u>Building in Which the Student is Enrolled</u>

Permanent administrative records, including:

a. name and birth date
b. names and addresses of parents or guardians
c. academic work completed
d. level of achievement, e.g., grades and standardized test scores
e. attendance data
f. health records

District Special Education Office - Evaluation, psychological, psychiatric, and neurological reports, Individualized Education Programs, and all other reports of a similar nature relative to an exceptional student's educational program and placement and necessary for providing the student with appropriate educational services.

3. Records of graduates and withdrawals are available in the District Administrative Offices. Request forms for release of inactive student information from graduate or withdrawal files maintained in the District Administrative Offices shall be signed by a parent, guardian, or eligible student. A charge of $2.00 will be made for each transcript requested. A copy of this request will be maintained in the District Administrative Offices.

Once student education record information has been released to an agency or person outside the school district, as prescribed above, the school district can no longer be exclusively responsible for the confidentiality of the information.

There shall be maintained, for each active student, a record of access to and release of the student's education record. This shall be available to the parent or guardian of dependent students or to eligible students and to the school district as a means of auditing the operation of the system. The record of access is not meant to include entries by the primary users and custodians of student records designated by the superintendent or the building principal. Specifically, this includes school psychologists, school therapists, teachers, school counselors, and authorized clerical staff.

References:
22 Pa. Code § 12.33
34 C.F.R. § 99

MAINTENANCE AND DESTRUCTION OF INFORMATION:

The school district shall maintain the educational records of all its students consistent with this policy. Parents and eligible students shall be informed of these records and their right of access to these data as described in this policy.

Staff members may maintain personal and confidential files containing grades, notes, transcripts of interviews, clinical diagnosis, and other memory aids for their own use in counseling students and parents or guardians. Such private notes are not to be made a part of the student's permanent or cumulative record, and are not to be released to others, and must be destroyed when they no longer serve a useful purpose to the staff member or when the student or professional leaves the school or school system. Such notes are considered to be the personal property of the professional and shall be guarded by the tenets of professional ethics.

The school district shall inform the parents or eligible student when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services to the student.

Upon written request of the parents or eligible student, information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed by the school district.

However, a written record, or microfilm copy of the same, including a student's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for at least one hundred (100) years beyond the date the student attains the age of twenty-one (21).

Prior to the destruction of information referred to in this policy, the school district shall send written notification to the parent or eligible student, which shall inform them of their right to receive a copy of the material to be destroyed at a fee not to exceed duplication costs.

Former special education students, upon reaching the date attributed to six years past the child's receipt of a standard's based diploma or having aged out of special education services, shall be notified of the school district's intent to discard their educational records. The former special education student may authorize the school district to prepare their educational records in its possession for transfer to his/her personal records. Or, the former special education student may authorize the school district to destroy and discard any and all of my educational records in its possession regarding her/his educational placement and services received from the school district. If a response is not received within 30 days by the former special education student, the school district shall proceed with the destruction and discarding of the educational records.

See Attachment B for the Notice of Intent to Discard Educational Records and Attachment C for the Form for the Destruction of Student Records.

No education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by the school district shall be destroyed except as outlined in this policy.

Nothing in this section, except as stated above, shall be construed to mean that the school district is required to destroy education records.

POLICY INTERPRETATION AND CONSTRUCTION:

This policy shall not be construed to impose upon the school district any obligation or duty not otherwise imposed by law.

Failure to conform to the requirements of this policy shall not be used against the District, unless that failure causes a substantial violation of the privacy or other legal rights of the student, or his or her parents.

This policy shall be construed as consistent with all applicable state and federal laws. When a requirement of law cannot be reconciled with a provision of this policy, the requirement of law shall supersede and nullify the provision of this policy and shall be considered the policy of the school district.

Attachments A, B, & C are included below in separate files for your review