

TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

NO: 216 Student records

SECTION: Pupils

TITLE: Student Records

ADOPTED: December 7, 2015

REVISED: October 16th, 2017

216. STUDENT RECORDS	
<p>1. Purpose</p>	<p>The educational interests of students require the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual's right to privacy. The school district will maintain educational records for students for legitimate educational purposes.</p> <p>The Board recognizes a student's right to privacy in the collection, maintenance and dissemination of records. The Board believes that student files should contain only information necessary for the effective performance of designated educational functions or as required by law. Information from student files should be released only under controlled circumstances and only when the release will benefit the student, his or her family or professional research, or when required by law.</p> <p>This policy incorporates provisions from various, relevant federal regulations (34 CFR 300.572; 300.560; 300.529), and the Family Educational Rights and Privacy Act of 1974 (34 CFR Part 99) (FERPA). The fundamental principle that no information other than directory information should be released regarding a student without the prior informed consent of the child and/or his/her parents shall be observed at all times.</p> <p>The objective of this policy is to protect the students' rights to privacy and to protect both students and their families from exploitation by commercial and organizational interests. It is also the objective of this Policy to assure that the welfare of each individual student, the maintenance of information for the effective performance of designated educational functions and compliance with applicable laws are the only criteria used in collecting, maintaining and releasing information held in student files. Additionally, it is an objective of this Policy to comply with applicable law and to identify and outline the process by which parents/guardians are notified of their rights under FERPA and the Protection of Pupil Rights Act (PPRA), and also to address specific privacy issues.</p>
<p>2. Authority SC 1305-A,</p>	<p>The Board recognizes its responsibility for compilation, retention, disposition and</p>

1306-A, 1402,
1409,1532,1533

security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records.

The No Child Left Behind Act of 2001, the Patriot Act of 2001, and the National Defense Authorization Act for Fiscal Year 2002 altered some provisions of both FERPA and the PPR. These changes provide parents with more privacy rights regarding surveys of students, the collection of information from students for marketing purposes and some non-emergency medical examinations.

FERPA is the federal law protecting the privacy of student education records and parents' access rights to those records. Generally, education agencies and institutions that receive federal funds cannot disclose personal identifiable information from a student's education record without parental consent. FERPA permits certain non- confidential information to be released to outside agencies without parental/ guardian/student consent. Directory information which may be released may include the student's name, date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent and previous education agency or institution attended by the student; and other similar information.

The Family Educational Rights and Privacy Act (FERPA) requires maintenance of records found at 34 CFR Part 99. While FERPA has no specific timeline regarding retention of special education records, the financial and programmatic audit requirements of the General Education Provisions Act (GEPA) require all school districts/charter schools receiving federal funds to maintain records about how those funds are used. As per Section 80.42(b)(1) and (2)

Title 22
Sec 4.52., 12.31, 12.32,
15.9
20 U.S.C.
Sec. 1232(g)
34 CFR
Part 99

"... Except as otherwise provided, records must be retained for three years from the starting date... If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, which is later...."

3. Delegation of
Responsibility

Since special education cyclical monitoring fulfills the programmatic audit requirement under GEPA, special education records must be maintained for a minimum of six years to fulfill our federally mandated monitoring requirement. In addition, this requirement of the six year special education records retention has been included in the Master Agreement governing the responsible local education agencies who are recipients of the IDEA grants of federal funds.

Destruction of information.

SC 1532
Pol. 213, 215

4. Definitions

(a) The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

(Authority: 20 U.S.C. 1412(a)(8), 1417(c))

PPRA requires schools to obtain parents' written consent before administering federally funded surveys that might reveal certain private information about the student. A school must provide to parents an annual notice of the types of student directory information that is released publicly.

The Board shall adopt a comprehensive plan for the collection, maintenance, and dissemination of student records that complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the district and revised as required by changes in federal and state law.

The Superintendent or designee shall be responsible for implementing and monitoring the adopted student records plan which meets all legal requirements.

It is the responsibility of the Administration to implement and enforce this policy, and to develop Administrative Regulations for implementation or enforcement where necessary and to collect, maintain, release and destroy information as directed by this policy. This policy shall be communicated to all District employees.

The designated administrator shall establish safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

The District staff shall compile only those educational records mandated by federal and state laws and regulations.

In accordance with law, each district teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.

Category A Data - These student records consist of those semi-confidential official administrative records that constitute the minimum personal data

necessary for the operation of the school system which includes, but is not limited to, identifying data [such as names, addresses, telephone numbers, and email addresses of students and their parent(s) and/or guardian(s)], birth date, academic work completed, level of achievement (grades, standardized achievement test scores) and attendance data.

Category B Data - These student records consist of those confidential records consisting of verified information of clear importance, but not absolutely necessary to the school, to help the student or protect others. Category B information includes, but is not limited to, scores on standardized intelligence and aptitude tests, interest inventory results, health data, family background information, systematically gathered counselor ratings and observations and verified reports of serious or recurrent behavior patterns.

Category C Data - These student records consist of confidential information which is potentially useful, but not yet verified or clearly needed beyond the immediate present. Category C data includes, but is not limited to, legal or clinical findings including certain personality test results and unevaluated reports of teachers, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions.

Under FERPA, the term education records means those records that are: (1) directly related to a student and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. Education records include:

- a. Date and place of birth, parent(s) and /or guardian addresses, and where parents can be contacted in emergencies;
- b. Grades, test scores, courses taken, academic specializations and activities and official letters regarding a student's status in school;
- c. Special education records;
- d. Disciplinary records;
- e. Medical and health records that the school creates or collects and maintains;
- f. Documentation of attendance, schools attended, courses taken, awards conferred and degrees earned; and
- g. Personally identifiable information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

5. Guidelines

The following are not considered education records under FERPA:

- a. Personal notes made by teachers and other school officials that are kept in

<p>SC 1305-A</p> <p>\51 P.S. Sec, 20221 et seq Pol. 250</p> <p>Title 22 Sec. 12.31</p>	<p>the sole possession of the maker, are used only as a personal memory aid, and are not shared with others;</p> <p>b. Law enforcement records created and maintained by a school’s or a district’s law enforcement unit specifically for law enforcement purposes (as distinct from student disciplinary and other non-law enforcement purposes);</p> <p>c. Records on students 18 years of age or older that are made or maintained by a medical or other recognized professional or paraprofessional acting in his or her professional capacity, as long as the records are used only in connection with the treatment of the student and are disclosed only to treatment providers (for these purposes, “treatment” does not include activities that are part of the school’s program of instruction);</p> <p>d. Records created or received after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student;</p> <p>e. Grades on peer-graded papers before they are collected and recorded by a teacher;</p> <p>f. Directory Information that is part of a student’s education record, including personal information about the student that can be made public without specific consent of the parent or eligible student. Directory information would not generally be considered harmful or an invasion of privacy if disclosed and may include:</p> <ul style="list-style-type: none"> i. Student’s name and other information typically found in school yearbooks or athletic programs; ii. Names and pictures of participants in various extracurricular activities or recipients of awards; iii. Grade level; iv. Pictures of students; v. Height and weight of athletes. <p>The district's plan for compilation, retention, disclosure and security of student records shall provide for the following:</p> <ol style="list-style-type: none"> 1. Informing parents/guardians and eligible students eighteen (18) years and older of their rights and the procedures to implement those rights annually and upon enrollment. 2. Permitting appropriate access by authorized persons and officials, describing procedures for access, and listing copying fees. 3. Enumerating and defining the types, locations and persons responsible for student records maintained by the District.
--	---

4. Establishing guidelines for disclosure of information and data in student records.
5. Maintaining a record of access and release of information for each student's records.
6. Assuring appropriate retention and security of student records.
7. Transferring education records and appropriate disciplinary records to other school districts.

Specific Retention Periods

The District shall retain Student records according to the following schedule:

1. Category A data should be maintained for at least 100 years.
2. Category B data should be eliminated at periodic intervals, such as at the transition from elementary to junior high school or from junior high to high school. In any case, these records should be destroyed when the student leaves school.
3. Category C data should be reviewed and purged at least once per year, and purged once the usefulness of the data has ended.

Miscellaneous

Procedures for disclosure of student records shall apply equally to military recruiters, colleges and universities, and prospective employers. The Superintendent shall authorize the release of names, addresses and telephone numbers of secondary students to military recruiters and to institutions of higher learning to the extent required by applicable Federal or Pennsylvania law. Parents may opt out of providing this information.

Copies of the student records plan shall be submitted to the Department of Education, upon request of the Secretary.

No School District personnel shall furnish lists of names and addresses of District students to anyone other than school officials and school-affiliated organizations without the approval of the Superintendent.

References:

School Code – 24 P.S. Sec. 1303a, 1305-A, 1306-A, 1402, 1409, 1532, 1533

State Board of Education Regulations – 22 PA Code Sec. 4.52, 12.31, 12.32, 15.9.

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations –
34 CFR Part 99
Board Policy – 216.1, 800, 801

**STUDENT RECORDS NOTIFICATION OF RIGHTS
PARENTS/ELIGIBLE STUDENTS**

The Family Educational Rights and Privacy Act (FERPA) and Pennsylvania law afford parents/guardians and students eighteen (18) years of age and over (eligible students) certain rights with respect to the student's educational records, as follows:

1. The right to inspect and review the student's education record within thirty (30) days of the District's receipt of the request for access.

A parent or eligible student making such a request must submit to the school principal (or appropriate school official) a written request that identifies the record(s) s/he wishes to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading or otherwise violate the privacy rights of the student.

A parent or eligible student may request the District to amend a record s/he believes is inaccurate, misleading or violates the privacy rights of the student by clearly identifying in writing the part of the record s/he wants changed and specifying why it is inaccurate, misleading or violates the privacy rights of the student,. The request shall be made to the building principal (or appropriate school official).

If the District decides not to amend the record as requested, the principal will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state law

authorize disclosure without consent, as follows:

- a. To school officials, including teachers, with a legitimate need to review an education record in order to fulfill their professional responsibilities. This may include the disclosure of disciplinary information regarding conduct that posed a significant risk to the safety or well-being of the student or others. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.
- b. To officials of another school or school system in which the student seeks or intends to enroll. In this case, disciplinary information may be included. The District will make a reasonable attempt to notify the student's parents prior to the disclosure of information and will provide the parent with a copy of the record if so requested.
- c. To authorities named to FERPA and accompanying federal regulations, including authorized representatives of the Comptroller General of the United States, Secretary of Education, and the state and local educational authorities.
- d. To officials connected with a student's application for a receipt of financial aid.
- e. To state and local officials who are required to get specific information pursuant to state law if the disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released. If the state statute was enacted after November 19, 1974, the officials must certify in writing that the information will not be disclosed to any other person, except as provided by state law, without prior written consent of the parent.
- f. To educational testing and research organizations for the purpose of administering student aid programs or improving instruction or predictive tests as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.
- g. To accrediting institutions.
- h. In emergency situations to appropriate persons if the information is necessary to protect the health and safety of the student or others.
- i. To anyone if required by a court order or subpoena. However, where the

subpoena is issued by a federal grand jury, the District will make reasonable efforts to notify the parent or eligible student prior to complying with the subpoena or court order.

The School District may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures 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
600 Independence Avenue, SW
Washington, DC 20202-4605

5. The right to refuse to permit the designation of any or all of the categories of directory information.

The district is permitted by law to disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if a written refusal is forwarded to the building principal at the beginning of each school year.

Directory information which may be released may include the student's name, date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent and previous education agency or institution attended by the student; and other similar information.

6. The right to request that information not be provided to military recruiting Officers.

Names, addresses and home telephone numbers of secondary school students will be released to military recruiting officers unless a student submits within twenty-one (21) calendar days a written request to the Superintendent that such information not be released.