

COUNCIL ROCK SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT RECORDS

ADOPTED: March 19, 1998

REVISED: November 20, 2008

<p>1. Purpose SC 1402(b) 1532, 1533</p> <p>2. Definitions</p>	<p style="text-align: center;">216. EDUCATION RECORDS</p> <p>The Board hereby adopts this comprehensive plan for all aspects of Education Records that conforms to the mandates of the Family Educational Rights and Privacy Act (FERPA) and its regulations; the Guidelines for the Collection, Maintenance, and Dissemination of Student Records; and the Standards for Special Education IDEA. Only Education Records mandated by federal and state statutes and regulations, or permitted by the Board, may be compiled by District staff. Copies of this adopted Education Records Policy shall be maintained by the District and revised as required by changes in the federal or state law.</p> <p>DEFINITIONS: When used in this policy, the following terms will have these meanings:</p> <p>Education Records - Any information or data that is directly related to a Student and is maintained by an educational agency or institution or by a person acting for the agency or institution. The term does not include information or data about an individual after he or she is no longer a student at such agency or institution</p> <p>Parent - Includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The District assumes a Parent has the authority to exercise the rights inherent in this policy unless the District has been provided with written evidence that there is a state law or court order to the contrary such as a divorce, separation or custody law or court order or some other legally binding instrument.</p> <p>Student - Includes an individual now attending or has attended the Council Rock School District for whom education records are being maintained.</p> <p>Minor Student - Student under the age of eighteen (18).</p>
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	<p>Eligible Student - Student (18) years of age or older or a student who is</p>
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<p>P.L. 93-380 34 CFR 99 Title 22 Sec. 12.32</p>	<p>emancipated by court decree.</p> <p>Other Non-School Agencies - These may include, but shall not be limited to:</p> <ol style="list-style-type: none">1. Mental health, mental retardation agencies, and clinics.2. Private and public health clinics and hospitals.3. Public assistance and welfare agencies. <p>Board - The elected or appointed members of the Council Rock Board of School Directors.</p> <p>District - Council Rock School District and its member schools and facilities.</p> <p>School Official - Are those members of the District staff who have responsibilities for the educational process and who act in behalf of the Student's educational interest. These may include faculty, both professional and nonprofessional, administrators, contracted personnel, special professional employees and/or other persons who manage or have access to Education Records.</p> <p>Professional - A full-time or part-time certificated employee of the District or an educational consultant contracted by the school District.</p> <p>Record Custodians - Personnel employed by the District who are responsible for the collection, maintenance, security, and disclosure of Student Education Records.</p> <p>Legitimate Educational Interest -The right of access to the Education Records of Students by Council Rock Professionals directly responsible for instruction, support services, and/or school sponsored activities. This also includes access to Education Records for the purposes of conducting research or investigations related to school matters that have been authorized by the Board and/or the Superintendent.</p> <p>Disclosure - Permitting access or release, transfer, or communication of Education Records of the Student or the Personally Identifiable Information contained therein, orally, in writing, by electronic means, and/or by other means to any person.</p> <p>Directory Information - The student's name; address; telephone number; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and heights of members of athletic teams; dates of attendance; awards received; and the most recent previous educational institution attended by the Student.</p> <p>Personally Identifiable Information -</p>
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<p>SC 1532</p> <p>4. Guidelines</p>	<ol style="list-style-type: none"> 1. The name of a student, the student's parent or other family member. 2. The address of the student. 3. A personal identifier, such as the student's social security number or student number. 4. A list of personal characteristics or other information which would make the student's identity easily traceable. <p>Act - Means the General Education Provisions Act and the Family Educational Rights and Privacy Act.</p> <p>The Board authorizes the Director of Special Services or his/her designee to maintain files including but not limited to:</p> <ol style="list-style-type: none"> 1. Permission to Evaluate (PTE). 2. Permission to Re-Evaluate (PTRE). 3. Evaluation Report (ER). 4. Re-Evaluation Report (RR). 5. Invitation to IEP meeting. 6. Individualized Education Plan (IEP). 7. Notice of Recommended Education Placement (NOREP). <p>The building principal or his/her designee is responsible for the collection and maintenance of cumulative education records.</p> <p>Responsibility for the security of files for a Student who receives services in out-of-District placements resides with the Director of Special Services but may be delegated to the specific Supervisor of Special Education who monitors that Student.</p> <p>Compilation, retention, disclosure and security of Education Records.</p> <p>The District shall, by this policy:</p> <ol style="list-style-type: none"> 1. Inform Parents and Eligible Students of their rights and the procedures to implement those rights, annually and upon enrollment. 2. Permit appropriate access by School Officials.
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3. Enumerate and define the types, locations and persons responsible for Education Records maintained by the District.
4. Maintain a record of access and release of information for each Education Record.
5. Assure appropriate retention and security of Education Records.
6. Transfer Education Records and appropriate disciplinary records to other school districts, upon authorized request by such school district and upon condition that the Parents are notified of the transfer, receive a copy of the record if desired and have an opportunity for a hearing to challenge the contents of the record.

Procedures for disclosure of Education Records shall apply equally to military recruiters and postsecondary institutions.

Representational consent will ordinarily be sufficient in situations involving aptitude and achievement testing (whether standardized or informal) and reporting of skill and knowledge outcomes in the subject matter areas within the approved curricula of the District.

In situations in which representational consent is sufficient, Students and Parents should be informed in advance, by School Officials, annually or biannually, of the purposes and character of the data collection. Notices of representational consent will be made available through the Council Rock School District website and student handbooks where distributed.

Parent and/or Eligible Student Access Rights

1. The District, upon request of a Parent, shall permit the Parent to inspect, review, or copy any Education Record relating to the children of that Parent when such record is collected, maintained, or used. The District shall fulfill the request within thirty (30) days after the request is received.
2. The right to inspect, review, or copy Education Records under subsection (1) of this section includes:
 - a. The right of a Parent to be provided, on request, with a copy of all or part of the Education Records of the Student.
 - b. The rights of a Parent to designate a representative who will inspect, review, and/or copy the records.

3. If a Parent requests copies of Education Records from the school District, the school District may charge the Parent a reasonable cost which will not exceed the actual expense of the duplication. The fees for duplication and other costs are set forth in Policy 820.
4. A Parent shall have the right to request a list of the types and the location of the Student's Education Records collected, maintained or utilized by the District.
5. At the discretion of the District and for verification and recordkeeping purposes only, the District may require all Parents to put into writing:
 - a. Their oral requests to inspect, review, copy or receive copies of Education Records.
 - b. Their oral designations of a representative.
 - c. Their oral requests under subsection (4) of this section, for a list.
6. **Eligible Student access rights** – Whenever a Student has attained eighteen (18) years of age, the rights accorded to and the consent required of the Parent shall thereafter be accorded to and required of the Student; provided, however, that a Parent shall continue to receive and have access to Education Records when the Student is 18 years or older and still a dependent of the Parent for tax purposes under IRS regulations.

Access Record

1. The Council Rock School District shall keep a record of persons who have obtained access to the Education Records of a Student. The access record shall include the name of the Person, the date of access, and the reason for which the person was allowed to use the records.
2. A Parent and Eligible Student shall have the right to inspect the access record for the Education Records.

Consent For Collection Of Data

The Board, acting as representatives of the public served by the District, grants the staff of the District authority to gather such information as has been set forth under Collection of Records with the following exceptions:

1. The consent of the Parent or Eligible Student shall be obtained in writing in order to utilize the services of a school psychologist or the administration of the individual tests to assess achievement, intelligence, aptitude and/or personality,

except as provided by law.

2. Such individual consent shall also be obtained prior to the formal collection and filing of data about family background.
3. When a Student enrolls in the District from another school, all records will be sought from the sending school, with the recognition that such consent is not required for record transfer. If such records are not available or are withheld, other sources of reliable information (e.g. report cards, etc.) may be accepted; or the Student may be evaluated promptly to determine proper placement in grade and/or courses. The Parent or Eligible Student will be notified as to the outcome of the evaluation by letter. In no case will the District refuse graduation solely based on non-receipt of records.

Classification And Maintenance of Data

The total set of Student personal data existing in the District at a given time ranges from tentative uncorroborated reports on alleged Student behavior to highly stable information. These differing kinds of data require differing arrangements for security, access, and disclosure.

Category "A" Data: Includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system. Category A data includes but is not limited to names and address of Parent and minor siblings, birth date, academic work completed, level of achievement (grades and/or standardized achievement test scores), health data and attendance data.

A Student's health record shall be maintained for a period of two (2) years after he or she is no longer a student at the District.

Other Category "A" Data will be maintained in perpetuity.

Category "B" Data: Includes verified information of clear importance, but not absolutely necessary for the operation of the educational system, but is useful in helping the Student.

Destruction of unnecessary Category "B" data shall be done at specified times of Student transition within the District. These points of transition are: from elementary to middle school, from middle school to high school, and upon graduation. Exceptions may be made where, under rigorous standards and impartial judgment and with proper notification to Parent or Eligible Student, good cause for its retention has been shown for individual cases.

Category "C" Data: Includes potentially useful information but not yet verified or

clearly needed beyond the immediate present; for example, legal or clinical findings including certain personality test results, and unevaluated reports of teachers, counselors, and others which may be needed in ongoing investigation and disciplinary or counseling actions.

Such data should be reviewed at least once a year and destroyed as soon as its usefulness is ended or given to the Parent or Eligible Student for their use upon permission by the professional who collected the data or transferred to Category "B". Transfer to Category "B" may be made only if two (2) conditions are met:

1. The continuing usefulness of the information is clearly demonstrated.
2. Its validity has been verified, in which case the Parent or Eligible Student must be notified and the nature of the information explained.

Confidential Professional Files

Under certain conditions, a Professional may collect and maintain memory aids such as notes from interviews, clinical diagnoses, or notes of reported behavior. Such aids are considered the personal property of such Professionals and not part of the education records, and are subject to the following restrictions:

1. Such notes should be periodically reviewed and destroyed when no longer useful or when the Student has left school.
2. Under no circumstances shall such notes be stored or included with other Education Records. The notes are private property of the maker so long as they have not been disseminated to other educational professionals or to a Parent.

Amendment Of Education Records Right To Challenge And Hearing

1. **Request to amend** – A Parent or Eligible Student who believes that information in Education Records is inaccurate or misleading or violates the privacy or other rights of the Student may request the Council Rock School District to amend the information:
 - a. The District requires that any request for amendment of the record of a Student be made in writing and contain a brief statement which specifies the records to be amended and the reason that amendment is requested.
 - b. The District shall decide whether to amend the information in accordance with the request of the Parent within forty-five (45) days after receipt of the request to amend.
 - c. If the District decides to refuse to amend the information, the District

shall inform the Parent or Eligible Student in writing of both the refusal and the specific reasons for the refusal and shall notify the Parent or Eligible Student in writing of the right to request and receive a hearing under subsection (2) of this section.

2. **Records hearing** – The District shall, at the request of Parent or Eligible Student, provide either with an opportunity for a hearing to challenge information in Education Records if the Parent or Eligible Student alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the Student. The hearing shall be conducted according to the following provisions.
 - a. The hearing shall be held at a time and place selected by the District, but in any event shall be within thirty (30) days after the District receives the request for a hearing.
 - b. The Parent or Eligible Student shall be notified in writing of the date, place and time of the hearing no later than five (5) days in advance.
 - c. The hearing shall be conducted by a Person who does not have a direct interest in the outcome of the hearing.
 - d. The Person conducting the hearing shall be an administrator of the intermediate unit or the District.
 - e. The Parent or Eligible Student shall be afforded a full and fair opportunity to present evidence relevant to the challenge to the specific Educational Record(s).
 - f. The Parent or Eligible Student may, at the hearing, be assisted or represented by persons of his/her choice at his/her expense; such persons may include legal counsel.
3. **Decision after hearing** – The District shall render a written decision on the issues presented at the hearing within thirty (30) days after conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
4. **Decision to amend** – If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the privacy of stated rights of a Student, it shall amend the Education Records accordingly.
 - a. **Decision not to amend** – If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, otherwise in violation of

the privacy or other rights of a Student, it shall inform the Parent or Eligible Student of his/her right to place in the Education Record of the Student a statement which sets forth the written comments regarding the information in the Education Records or reasons for disagreeing with the decision of the District, or both.

6. Nothing in this section shall be interpreted to mean that the Parent and the District may not, by mutual agreement, meet prior to either a Parent request for a hearing or the hearing itself in order to discuss the concerns of the Parent regarding the accuracy or inaccuracy of the records of the Student.

Maintenance Of Records

1. Education Records, in paper form, shall be stored in locked files within each building, in a central location accessible to Professionals. Education Records kept in electronic files shall also be safeguarded by appropriate means.
2. Enforcement and administration regarding systematic safeguards protecting Education Records shall be the responsibility of the building administrator or his/her designee
3. All data in Categories "A" and "B" will be transferred to microfilm or some permanent electronic media one (1) year after the Student has graduated or the class of which a Student has been a member has graduated. All data in Category "C" shall be destroyed immediately upon the Student's graduation
4. All Category "A" data shall be updated by the parent or Eligible Student periodically. The transfer of data to the Student's Education Record shall be done under the supervision of the designated school record custodian.
5. Responsibility for the custody and security of Education Records shall be the duty of the appropriate District professional employee:
 - a. Education Records shall be in the custody of the building principal or his/her designee.
 - b. School health and dental records shall be stored separately in the custody of the school nurse.
 - c. Emergency cards and records of behavior problems and resulting disciplinary actions shall be filed and secured in the office of each building under the direction of the building principal.
 - d. Special service referral forms, homebound instruction approval form and in-home schooling forms shall be kept in the central administrative offices of the District under supervision of the District administration.

e. Student Assistance Team forms shall be kept in a locked file under the direction of the designated Student Assistance Team member.

8. The administration, by means of periodic in-service programs or other appropriate means, shall provide information to the staff concerning maintenance and access policies. School personnel having access to Education Records shall receive periodic training in the security of Education Records, with emphasis upon privacy rights of Students and Parents/s. New personnel to the District shall receive such information and training as a part of the induction program.

Disclosure Of Information Regarding Students

The District may, without consent from the Parent or Eligible Student, release a Education record, including Categories "A" and "B" to:

1. Other District officials, including professional employees within the District who have a Legitimate Educational Interest in the Student.
2. The State Secretary of Education and his/her officers or subordinates, so long as the intended use of the data is consistent with the Superintendent's statutory powers and responsibilities.
3. Officials of another school or school system including post-secondary schools in which the Student plans to enroll and from whom a written request has been received. Parents and Eligible Students will be informed of all such releases in advance of the actual disclosure of any information from the Education Records, and shall receive a copy of the Education Record if desired and have an opportunity for a hearing to challenge the content of the record.
4. Any organization or agencies in connection with a Student's application for, or receipt of, financial aid.
5. Authorized representatives of the Comptroller General of the United States, Secretary, and administrative head of an educational agency under the conditions set forth in the Act.
6. Organizations conducting studies for, or on behalf of the District for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instructions, providing the studies are conducted in such a manner as will not permit the personal identification of the Student and parent by persons other than the representatives of such organizations and that such information will be destroyed when no longer needed for the purpose for which it is conducted.

7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986 or an Eligible Student.
9. Any person or entity to comply with judicial order or subpoena or orders of administrative agencies where those agencies have power of subpoena. The Parent or Eligible Student shall be notified of all such orders and the District's compliance. The Superintendent or his/her designee shall review all responses to court orders and/or subpoenas.
10. State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to 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. This applies only to statutes which require that specific information be disclosed to State and local officials and does not apply to statutes which permit, but do not require, disclosure.
11. Appropriate individuals where the disclosure is in connection with a health or safety emergency as contemplated by the Act and applicable regulations, taking into account the seriousness of the threat to health and safety or the safety of the Student and/or other individuals.
12. Appropriate individuals where the disclosure is of Directory Information, provided however that Parents and Eligible Students shall have the right to refuse to allow the District to designate all or a portion of a Student's Directory Information by providing the District with written notice of such refusal during the first week of each school year, or, in the event the student is enrolled after the first week, during the first week after enrollment.

A Professional is not authorized to receive, *in confidence*, any information with regard to future criminal or illegal activity or possible future violation of District rules or regulations.

Except as otherwise provide herein, neither the District nor any School Official shall divulge, in any form, to any person, any information contained in Education Records except pursuant to a signed and dated written consent from the Parent or Eligible Student. In addition to being signed and dated, a written consent shall :

1. Specify the records to be disclosed;
2. State the purpose of the disclosure; and

3. Identify the party or class of parties to whom disclosure may be made.

The District may provide anonymous data, not constituting Education Records or Personally Identifiable Information from its records for outside research purposes, or for audit and evaluation of federally funded programs, without consent under conditions where the likelihood of identifying any individual or parent because of the unique characteristics of the data is negligible.

Persons and non-school agencies making telephone or personal inquiries relating to Education Records should submit their request in writing on their official letterhead, together with consent for release of specific information that meets the requirements of this policy.

Fees

The District shall keep current a list of reasonable fees for copies of Education Records by Parents and Eligible Students as set forth in Policy 820.

Annual Notification Of Rights

The District shall give Parents and Eligible Students in attendance at the school annual notice by such means as are reasonably likely to inform them of the following:

1. Their rights in accordance with the Act and other applicable law.
2. Their rights under this policy and the availability of copies of this policy.
3. The right to file complaints concerning alleged failures of the District to comply with the requirements of the Act. Such complaints should be sent to the following address:

The Family Policy Compliance Office
US Department of Education
400 Maryland Ave, SW
Washington, D.C. 20202-4605

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