

KEYSTONE OAKS SCHOOL DISTRICT

Policy Guide



Policy No. 216

Section PUPILS

Title STUDENT RECORDS

Adopted AUGUST 21, 1989

Revised FEBRUARY 21, 2017;
MARCH 17, 2011;
OCTOBER 19, 1998

<p>Section 1</p>	<p style="text-align: center;">POLICY NO. 216 STUDENT RECORDS</p> <p><u>Purpose</u></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>	
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It is the objective of this policy to:

1. Protect the students' rights to privacy and to protect both students and their families from exploitation.
2. 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.
3. Comply with applicable law and to identify and outline the process by which parents/guardians are notified of their rights under FERPA and PPRA.
4. Address specific privacy issues.

A copy of this policy can be found on the district website and is available during normal business hours in the district Business Office.

If a parent/guardian or eligible student does not consent to the automatic release of directory information, the parent/guardian or eligible student must, on an annual basis, sign a form opting-out of the automatic release of any directory information. It is the parent/guardian's or eligible student's responsibility to resubmit this form on an annual basis.

The opt-out form will be attached to this policy and will be made available on the district website and in district publications.

Section 2

Authority

The Board recognizes its responsibility for compilation, retention, disposition and security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records as found in state and federal laws (FERPA, PPRA).

SC 1305-A, 1306-A, 1402, 1409, 1532, 1533

<p>Section 3</p>	<p style="text-align: center;">POLICY NO. 216 STUDENT RECORDS</p> <p>The Board shall maintain 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.</p> <p>Parents/Guardians and eligible students (18) years and older shall be notified annually and upon initial enrollment of their rights concerning student records. The notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.</p> <p><u>Definitions</u></p> <p>FERPA – The Family Educational Rights and Privacy Act</p> <p>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 students’ education record without parental consent. FERPA permits certain non-confidential, directory, information, to be released to outside agencies without parental/guardian or student consent.</p> <p>PPRA – The Protection of Pupils Rights Act</p> <p>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.</p> <p>Education Records – Records (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:</p> <p>a. Date and place of birth, parent(s) and /or guardian(s) addresses, and where parents/guardians can be contacted in emergencies.</p>	<p>Title 22 Sec. 4.52, 12.31, 12.32,15.9 20 U.S.C. Sec. 1232(g) 34 CFR Part 99</p>

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- 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.
- 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.

The following are **NOT** considered **Education Records** under FERPA:

- a. Personal notes made by teachers and other school officials that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not shared with others.
- 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).
- 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).

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- 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.
- e. Grades on peer-graded papers before they are collected and recorded by a teacher.
- f. Directory Information.

Directory Information – Information that can be made public without specific consent of the parent/guardian or eligible student. Directory information would not generally be considered harmful or an invasion of privacy if disclosed and may include:

- a. Students name
- b. Address.
- c. Telephone listing.
- d. Electronic mail address.
- e. Photograph.
- f. Date and place of birth.
- g. Primary field of study.
- h. Dates of attendance.
- i. Grade level.
- j. Participation in officially recognized activities and sports.
- k. Weight and height of members of athletic teams.
- l. Degree, honors, and awards received.
- m. The most recent educational agency or institution attended.

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- n. Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access educations without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

Eligible Student – A student who has attained eighteen years of age, or is attending an institution of post-secondary education. The rights accorded to and the consent required of the parent/guardian of the student shall hereafter only be accorded and required of the eligible student.

Section 4

Guidelines

The district's plan for compilation, retention, disclosure and security of student records shall provide for the following:

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.

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Specific Retention Periods

District staff shall maintain only those education records for a time period mandated by federal and state law and regulations.

Records of Access

There shall be maintained a record of the person(s) who have obtained access to a student's education record. The access record shall include the name of the person(s) who was allowed access.

The record of access shall be part of the education record, and a parent/guardian or eligible student shall have the right to inspect this access record.

A record is not required of either the authorized employees of the school or the student's parents who have had access to the education records of the student. However, the school shall maintain, for public inspection, a list of the names and positions of school district employees who are authorized by the school district to have access to personally identifiable information.

Amendment of Records

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

1. The parent/guardian or eligible student shall submit in writing to the building principal the request for amendment which shall include a brief statement specifying the record(s) to be amended and the reason that the amendment is requested.
2. The school shall decide whether to amend the information in accordance with the request of parent within sixty (60) days after receipt by the school of the request to amend.

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3. If the school decides to amend the information in accordance with the request, the requester shall be notified in writing by the building principal.

The school shall upon written request of the parent/guardian or eligible student provide the requester with an opportunity for a hearing to challenge information in education records if the requester alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child according to the following provisions:

1. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the school receives the written request for a hearing from the requester.
2. The building principal shall give written notification to the requester of the date, place, and time of the hearing no later than five (5) days in advance of the hearing.
3. The hearing will be conducted by a quasi judicial review panel composed of the District Superintendent, the President of the Board of School Directors or designated representative, and the solicitor or his/her designee.
4. The parent/guardian or eligible student may, at the hearing, be assisted or represented by a person(s) of his/her choice at his/her expense; such person(s) may include legal counsel.
5. The parent/guardian or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the specific information and reason(s) for requesting the information be amended.

The review panel shall render a written decision on the issues presented at the hearing and shall render such decision within thirty (30) days after the 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 reasons for the decisions.

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1. If, as a result of the hearing, the school decides to amend the record, the building principal shall so notify the parent/guardian or eligible student in writing.

2. If, as a result of the hearing, the school decides not to amend the information, the building principal shall inform the parent/guardian or eligible student in writing of his/her right to place in the education record a statement which sets forth the record or reason(s) for disagreeing with the decision of the review panel or both written comments and reasons.
 - a. The statement of the parent/guardian or eligible student shall be appended by the school to the education record so long as the record or the contested portion thereof is maintained by the school.

 - b. If the education record of the student or the contested portion thereof is released by the school to any party, the statement of the parent/guardian or eligible student shall also be released to the party.

Nothing in this section on Amendment of Records shall preclude the parent/guardian or eligible student and a representative(s) of the school from meeting, by mutual consent, prior to either a request for a hearing or the hearing itself in order to discuss the concerns pertaining to the accuracy or inaccuracy of the education record of the student.

Disclosure Without Consent

FERPA and state law authorize disclosure without consent as follows:

1. 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

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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).

2. 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.
3. To authorities named in FERPA and accompanying federal regulations, including authorized representatives of the Comptroller General of the United States, Secretary of Education, and state and local educational authorities.
4. To officials connected with a student's application for a receipt of financial aid.
5. 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.
6. 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.
7. To accrediting institutions.

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8. In emergency situations to appropriate persons if the information is necessary to protect the health and safety of the student or others.
9. 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/guardian or eligible student prior to complying with the subpoena or court order.
10. To a caseworker or other representative of a State or local child welfare agency authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State law, for the care and protection of the student.
11. Pursuant to a judicial order without requiring additional notice to the parent/guardian by the educational agency or institution in specified types of judicial proceedings in which a parent/guardian is involved.

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.

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If complaints cannot be satisfactorily resolved by the District, complaints can be filed with the Federal Family Policy Compliance Office (FPCO):

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

Section 5

Delegation of Responsibility

The Superintendent, building principals and their respective designees shall be responsible for implementing and monitoring the District's student records plan which meets all legal requirements. The official will:

1. Annually notify, in summary form, parents/guardians and eligible students of this policy, its procedures and their rights.
2. Develop an in-service program to provide training and instruction on the implementation of this policy for all school employees who collect or use personally identifiable information.
3. Maintain for public inspection a current listing of the names and positions of those agents and employees of the school who are authorized by the District to have access to personally identifiable information.
4. Develop a system of safeguards to protect the student and his/her family from invasion of privacy when collecting, retaining, and disseminating student information.
5. Education records of currently enrolled students will be kept under lock and key in the Administrative/Guidance Offices in the school which the student is attending. Education records of former students, students presently or previously enrolled in approved private or licensed private schools for students with disabilities or students presently or previously enrolled in a program operated by the Pennsylvania Department of Education or the

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Intermediate Unit, and students enrolled in program of homebound instruction shall be kept in a secured and controlled location in the school last attended in the District or in the school in which the student would otherwise be enrolled and attending or in the Pupil Services office.

6. The building principal or designee(s) shall be responsible for annual review of education records to insure compliance with this policy.

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.

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

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 Act, Title 34, Code of Federal Regulations – 34 CFR Part 99

Uninterrupted Scholars Act (USA) – Public Law 112-278

Board Policy – 213, 215, 249