

## **216. STUDENT RECORDS**

The district's plan for collection, retention, disclosure, security, and destruction of student records.

### Parent/Guardian and Eligible Student Access Rights

1. The Ferndale Area School District, upon request of a parent/guardian, shall permit the parent/guardian to inspect, review, or copy any education record relating to the exceptional child or children of that parent/guardian when such record is collected, maintained, or used. The school 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/guardian to request of and receive from the school district a reasonable explanation of information contained in the educational records of the child.
  - b. The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child.
  - c. The right of a parent/guardian to designate a representative who will inspect, review, and/or copy the records.
3. If a parent/guardian requests copies of educational records from the school district, the school district may charge the parent/guardian a reasonable cost which will not exceed the actual expense of the duplication.
4. A parent/guardian shall have the right to request a list of the types and the location of the child's educational records collected, maintained or utilized by the school district.
5. At the discretion of the school district and for verification and recordkeeping purposes only, the school district may require all parents/guardians 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. Student access rights – Whenever a student has attained eighteen (18) years of age or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent/guardian shall thereafter be accorded to and required of the student.

### Access Record

1. The Ferndale Area School District shall keep a record of parties who have obtained access to the education records of a student. The access record shall include the name of the party, the date of access, and the reason for which the party was allowed to use the records.

2. A parent/guardian shall have the right to inspect the access record for the education records of his/her child.

### Collection of Records

Active education records may contain such identifying data as listed under Types of Data to be Collected. The teacher is primarily responsible for completing the data for the record. Required health records shall be maintained by the school nurse.

All data in education records shall be considered confidential. Only professional personnel and authorized administrative assistants shall have access to these records. The district shall maintain for public inspection a current listing of the names and positions of those employees of the district who are authorized to have access to education records. Parents/Guardians and eligible students shall also have rights of access to and review of such records. Personnel of the district shall protect the confidentiality of all personally identifiable information at the collection, storage, disclosure, and destruction stages of that information.

### Consent for Collection of Data

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

1. The individual consent of the parent/guardian or eligible student shall be obtained in writing in order to utilize the services of a school psychologist for the purposes of a clinical interview 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, consent for transfer of all records will be sought from the parent/guardian, 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 shall be evaluated promptly to determine proper placement in grade and/or courses. The parent/guardian will be notified as to the outcome of the evaluation by letter. In no case will the district refuse graduation solely on the basis of non-receipt of records.

### Confidential Personal Files

Under certain conditions counselors, psychologist and other professionals in the school may collect and maintain memory aids such as notes of transcripts of 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.
3. Such notes shall not be shared in their raw form with others; when information from these records is shared, it should be done only after careful consideration of the best interest of the student.

Parent's/Guardian's Request for Amendment of Records

1. Request to amend - A parent/guardian who believes that information in educational records is inaccurate or misleading or violates the privacy or other rights of the child may request the Ferndale Area School District to amend the information:
  - a. The school district requires that any parent/guardian 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 school district shall decide whether to amend the information in accordance with the request of the parent/guardian within forty-five (45) days after receipt of the request to amend.
  - c. If the school district decides to refuse to amend the information in accordance with the request of the parent/guardian, the school district shall inform the parent/guardian in writing of both the refusal and the specific reasons for the refusal and shall notify the parent/guardian in writing of the right to request and receive a hearing under subsection (2) of this section.
2. Records hearing - The Ferndale Area School District shall, on parent/guardian request, provide the parent/guardian with an opportunity for a hearing to challenge information in educational records if the parent/guardian alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:
  - a. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the school district receives the request for a hearing from the parent/guardian.
  - b. The parent/guardian 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 party who does not have a direct interest in the outcome of the hearing.
  - d. The party conducting the hearing may be an official of the intermediate unit or the school district.
  - e. The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issues in subsection (b) of this section.
  - f. The parent/guardian 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 school 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 school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy of stated rights of students, it shall amend the educational records accordingly and so inform the parent/guardian in writing.
5. Decision not to amend - If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, otherwise in violation of the privacy or other rights of students, it shall inform the parent/guardian of his/her right to place in the educational record of the student a statement which sets forth the written comments of the parent/guardian upon the information in the educational records or reasons for disagreeing with the decision of the school district, or both written comments and reasons:
  - a. The statement of the parent/guardian shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the school district.
  - b. If the educational records of the student or the contested portion thereof is released by the school district to any party, the statement of the parent/ guardian shall also be released to the party.
6. Nothing in this section shall be interpreted to mean that the parent/guardian and the school district may not, by mutual agreement, meet prior to either a parent/ guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.

#### Protection of Confidentiality

The Ferndale Area School District shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages of that information.

#### Maintenance of Records

1. Education records should be stored in locked files within each building, in a central location accessible to professional personnel. Education records kept in electronic files shall also be safeguarded by appropriate means.
2. Enforcement and administration of policies regarding systematic safeguards protecting education records shall be the responsibility of the building administrator or his/her designee.
3. Responsibility for the custody and security of education records shall be the duty of the appropriate district professional employee:
  - a. Basic educational data shall be in the custody of the building principal.

- 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.
4. The administration, by means of periodic inservice 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 student files, with emphasis upon privacy rights of students and parents/guardians. New personnel to the district shall receive such information and training as a part of the induction program.

#### Destruction of Data in Records

1. Data in education records shall be kept current and collected. Information which is no longer necessary, applicable, or relevant may be destroyed. All data shall be reviewed by the building principal or designee at the end of sixth grade, or immediately before records are sent to another school entity, by the assigned counselor and principal at each level.
2. When data in the education records is judged to be no longer necessary, applicable, or relevant, the district shall send written notification to the parents/ guardians of the student or to the eligible student informing them that such data is due to be destroyed. Such destruction of data no longer necessary must take place if so requested by the parent/guardian or eligible student. Such notice shall inform the parents/guardians or the eligible student of their right to receive a copy of the material to be destroyed.
3. Disciplinary reports and suspension notifications will be reviewed and may be destroyed on an annual basis.
4. Information obtained from the judicial system in compliance with Act 30 of 1995 shall be maintained in a separate file in the Educational Programs and Services Office and shared with staff working directly with the student. The information will be removed from the file and destroyed within thirty (30) days after the Superintendent's Office receives formal notification from the judicial system to do so. A certified statement will then be sent to the judicial system within forty-five (45) days from the receipt of the original notice to destroy the records, verifying that the records have been destroyed.

5. Any destruction of material from education records shall be subject to these limitations:
  - a. The district may not destroy any records if there is an outstanding request to inspect them.
  - b. Explanations placed in the education record shall be maintained as long as the contested portion of the record is maintained.
  - c. The record of access to and disclosure of education records shall be maintained for as long as the education record to which it pertains is maintained.
  - d. The district shall not destroy active education records necessary for the current education of a student who is enrolled or has been enrolled in the district.

#### Transfer of Records to Inactive Status

1. All original records will be maintained and will be considered active for a period of three (3) years from the date of exit or until the student reaches age twenty-one (21).
2. At the end of the three (3) year period or when the child reaches age twenty-one (21), a written record of basic student data will be classified inactive and stored. All other information pertaining to or involving the school district or its agents shall be stored in the district office.
3. When a child has reached age twenty-one (21) and is no longer eligible for free public education, only the following data must be maintained: name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed. This data must be maintained for 100 years beyond the date the student attains the age of twenty-one (21). Other data may be destroyed.

### DISCLOSURE OF EDUCATION RECORDS

#### Prior Consent for Disclosure Required

1. The district shall obtain the written consent of the parent/guardian of a student or the eligible student before disclosing personally identifiable information from the records of a student.
2. The written consent required must be signed and dated by the parent/guardian of the student or the eligible student giving the consent and shall include:
  - a. Description of the information to be disclosed.
  - b. Form of the disclosure.
  - c. Party requesting the disclosure.
  - d. Party or class of parties to whom the disclosure may be made.

3. When a disclosure is made to a third party, the district shall, upon request, provide a copy of the record which is disclosed to the parent/guardian of the student or the eligible student and to the student who is not an eligible student if so requested by the student's parents/guardians.

Prior Consent for Disclosure Not Required

The Ferndale Area School District program may disclose records, without consent, to individuals who have an educational need to know, under the following conditions:

1. School officials, including teachers with the Ferndale Area School District, who have a legitimate educational interest and are either authorized agents or who sign the Record of Inspection form including school agency affiliates who assist in the education of students.
2. Other schools to which a student is transferring. This includes early intervention programs, alternative schools, elementary and secondary schools and postsecondary schools where the student intends to enroll. These records will be released within seven (7) school days of receipt of such a written request.
3. Specified officials including representatives of:
  - a. The Comptroller General of the United States.
  - b. The Attorney General of the United States.
  - c. The Secretary of Education.
  - d. State and local educational authorities.
4. Appropriate parties in connection with financial aid to a student. This includes information that is necessary for:
  - a. Determination of eligibility for the aid.
  - b. Determination of the amount of the aid.
  - c. Determination of conditions for the aid.
  - d. Enforcement of terms and conditions of the aid.
5. Organizations conducting certain studies, under the condition of anonymity, for, or on behalf of, the Ferndale Area School District to:
  - a. Develop, validate, or administer predictive tests.
  - b. Administer student aid programs.
  - c. Improve instruction.

6. Accrediting organizations in order to carry out their accrediting functions.
7. Appropriate officials in cases of health and safety emergencies.
8. The disclosure is information that the Ferndale Area School District has designated as directory information as described in the definitions.
9. The disclosure is to the parent/guardian of a student who is not an eligible student, or to the eligible student himself/herself.
  - a. When a Ferndale Area School District program receives information on a student from any source, it becomes part of that student's record. All such information is subject to disclosure to parents/guardians upon request, without regard to clearance from the originating source.
  - b. Information received from another source with parent/guardian consent will not be further released by the Ferndale Area School District program without the individual informed consent of the parent/guardian or eligible student.
10. State and local authorities within a juvenile justice system, pursuant to specific state law.
  - a. If the allowed reporting or disclosure concerns a student in the juvenile system, the program must make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of litigation, so that the parent/guardian or eligible student may seek protective action.
  - b. Should information be disclosed to state and local authorities, the Ferndale Area School District program will make a reasonable attempt to notify parents/guardians or the eligible student, at their last known address, that records have been sent to the requesting party.

References:

School Code – 24 P.S. Sec. 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 – 213, 215, 250