

216. STUDENT RECORDS

EASTON AREA  
SCHOOL DISTRICT

No. 216  
SECTION: PUPILS  
TITLE: STUDENT RECORDS  
ADOPTED: March 5, 2007  
REVISED: February 4, 2010

216. STUDENT RECORDS	
1. Purpose	<p>The educational interests of the pupil and of society require the collection, retention, and use of information about individual pupils and groups of pupils. The welfare and progress of pupils is inextricably related to the maintenance of a thorough and efficient system of public schools; the latter cannot be achieved nor assessed in the absence of appropriate information about the former.</p> <p>It is no less the interest of society to protect the right of each of its members against an unwarranted invasion of privacy. The primary purpose of pupil recordkeeping shall be the educational welfare and advancement of the pupil.</p>
2. Authority SC 1303a, 1305-A, 1306-A, 1402, 1409, 1532, 1533 20 U.S.C. Sec. 1232g 34 CFR 99 Title 22 Sec. 4.52, 12.31,	<p>The district recognizes the need to protect the confidentiality of personally identifiable information in student educational records. This policy has been developed to ensure student/parent/guardian privacy rights and incorporates provisions from regulations of the Pennsylvania State Board of Education (PA Code 22, Chapter 12) in compliance with the Family Educational Rights and Privacy Act of 1974, and Buckley Pell Amendments of 1975.</p>
3. Definitions	<p><b>Directory Information</b> - student's name, address, date and place of birth, major field of study, participation in recognized activities and sports, weight and height (members of athletic teams), dates of attendance, awards record, and other relevant information.</p> <p><b>Educational Records</b> - records directly related to student achievement and maintained by the school or by a party acting for the school. (Exclusions: memory aids in the sole possession of the maker and not accessible to or revealed by any other individual except the substitute, and records which contain only information relating to alumni accomplishments.)</p>

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4. Guidelines	<p><b>Disclosure</b> - communication of information from student education records: orally, in writing, or by any other means to any party.</p> <p><b>Eligible Student</b> - student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. When the student has attained eligible student status, rights accorded to and parent/guardian consent required shall thereafter only be accorded to and required of the eligible student.</p> <p><b>Parent</b> - parent/guardian, or an individual acting as the parent in absence of the parent or guardian. The school presumes that either parent has the authority to inspect and review student education records unless the school has evidence that there is a contrary legally binding instrument or state law or court order governing divorce, separation, or custody.</p> <p><b>School Officials</b> - professional staff: certified teachers, administrative personnel, counselors, speech therapists, psychologists, home and school visitor, and nurses and dental hygienist. Excluded: student teachers and volunteers. Parents'/Guardians' permission must be obtained by student teachers for preparation of case histories to fulfill college requirements.</p> <p><b>Elimination</b> - physical destruction or permanent removal of personally identifiable educational records.</p> <p><b>Legitimate Educational Interest</b> - purposeful educational involvement and direct responsibility for providing instructional or supportive services.</p> <p style="text-align: center;"><b>COLLECTING, MAINTAINING, DISSEMINATING, AND ELIMINATING STUDENT EDUCATIONAL RECORDS</b></p> <p><u>Data Collection</u></p> <p>No information should be collected from students without the prior informed consent of the student (when reasonably competent to understand the nature and consequences of the decision) and parent/guardian. Either representative or individual consent may be obtained for data collection.</p> <p><i>Representational Consent –</i></p>
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Data gathering may be approved under certain circumstances by appropriately elected representatives (i.e. Board of School Directors); aptitude and achievement testing and reporting of skill and knowledge obtained by such testing are considered examples of this category. School officials should notify, in advance, parents/guardians/eligible students of the total testing program and other data gathering including procedures approved by their elected representatives.

Parents/Guardians/Eligible students will be guaranteed reasonable opportunity to contest necessity or desirability of such data collection.

### *Individual Consent –*

Tests or assessments not included in the Board-approved internal group testing program and any other survey-type data collection procedures not specifically preapproved (Board of School Directors) as part of the internal testing program or state mandated programs and procedures require the individual student consent. Permission for psychological examination (by individual consent) is the responsibility of one (1) internal referring source. Individual consent must always be in writing. District standardized forms are to be appropriately completed and placed in the student's cumulative record.

Whenever student anonymity is required/desirable, either by school officials or outside agencies, students/parents/guardians must be promptly notified that participation in data collection is entirely voluntary and anonymous.

Data collection instruments and procedures must be carefully reviewed to determine whether individual consent should be required.

### Classifying/Maintaining Student Records

#### *Classification Categories –*

All inserts placed in cumulative record or other depositories must be classified as follows:

- Category A Administrative Records
- Category B Supplementary Records

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Category C Discipline Records  
Category D Tentative Unevaluated Current Data  
Category E Confidential Files (privileged information)

Questions/Concerns/Differences of opinion about classification of a specific record must be referred to the Director of Pupil Services.

### Security And Policy Implementation

The Director of Pupil Services is responsible for the supervision of designated personnel who collect, maintain, secure, and release student records. (See policy statements below for designated personnel responsible for collecting, maintaining, securing, and eliminating student records.)

### Responsibility And Authority

The Director of Pupil Services shall be responsible and have the final authority for collecting, classifying, storing, and releasing accurate and educational useful data in student files. Appeal from any decision by the Director of Pupil Services may be referred to the Superintendent who may grant exceptions. Parents/Guardians and eligible students will be notified annually on the District's web site during the first week of the school year of district policies and procedures regarding student educational records, data collected through representational consent, conditions for disclosure of information, access rights or rights of parents/guardians/eligible students to educational records and notice of where the student records policy may be obtained.

### Collecting, Classifying, And Inspecting Records

Student information shall be collected only with the representational or individual consent and separated into one (1) of the following classifications. Parents/Guardians or students objecting to any of the categories or content of data collected have the right of appeal and/or procedural hearing. Parents/Guardians or eligible students who wish to file policy compliance complaints should contact the Director of Pupil Services. If further appeal is necessary, the parent/guardian or eligible student may contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.

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Pol. 214	<p><b>Category A –</b></p> <p>Administrative records (directory information): includes official administration records; minimum personal data necessary for operating educational system (Sections 1332, 1351, 1354, 1531, 1532, 1533 Public School Code).</p> <ol style="list-style-type: none"><li>1. Name, address and telephone number of the parents (custodial parent if parents are divorced or separated), court appointed guardian, or adult resident with whom the student is residing (copy of court order or custody agreement, if any).</li><li>2. Name, birthdate, birthplace, sex, social security number.</li><li>3. Date of admission, withdrawal, re-admission.</li><li>4. Previous school attended.</li><li>5. Academic work completed, grades earned, credits earned, attendance records.</li><li>6. Class or school honors, co-curricular activities.</li><li>7. Date of graduation, rank in class (defined by school policy).</li><li>8. Places of employment.</li></ol> <p>Administrative records (directory information) may be disclosed for purposes beneficial to the student or school district only with the approval of the Superintendent/designee.</p> <p>The parent/guardian or eligible student has the right to refuse disclosure of any or all types of directory information by giving the school written notice within twenty (20) days of publication of the notice. Parents/Guardians shall be given public notice relative to this right at the beginning of the school year.</p> <p>Inspection of records (see Procedures For Inspecting And Releasing Records):</p> <ol style="list-style-type: none"><li>1. Inspection without authorization:<ol style="list-style-type: none"><li>a. Commissioner of Education.</li><li>b. Department of Education personnel.</li></ol></li></ol>
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	<p>c. Intermediate Unit personnel with legitimate educational interest.</p> <p>d. State and federal educational, health and welfare agencies.</p> <p>e. School district officials with legitimate educational interest, including Comptroller General of United States, Director of National Institutes of Health, and Assistant Secretary of Education.</p> <p>f. School directors who have legitimate educational purpose.</p> <p>g. Parent/Guardian (except if student is an eligible student, written consent from only the eligible student shall be necessary).</p> <p>h. Eligible student or student who is less than eighteen (18) years of age and in school with written consent of parent/guardian.</p> <p>i. Health/Law enforcement officers in case of emergency.</p> <p>2. Inspection with written authorization of parents/guardians or eligible student: any person in the opinion of the building principal and Director of Pupil Services demonstrating legitimate interest.</p> <p>Release of records (see Procedures For Inspecting And Releasing Records):</p> <p>1. Release without authorization:</p> <p>a. Commissioner of Education.</p> <p>b. Department of Education personnel with legitimate educational interest.</p> <p>c. State and federal educational, health, and welfare agencies of which student is client, including Comptroller General of United States, Director of National Institutes of Health, and Assistant Secretary of Education.</p> <p>d. Other public school (with parent/guardian acknowledgment).</p> <p>2. Release with written authorization of parent/guardian or eligible student:</p>
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<p>51 P.S. 20221 et seq</p>	<p>a. Prospective employer.</p> <p>b. College or university.</p> <p>c. Armed services.</p> <p>d. Any person demonstrating legitimate interest.</p> <p>Retention and elimination of records: microfilm (permanent).</p> <p><b>Category B –</b></p> <p>Supplementary records: includes verified information essential in operating the educational system; directly related to student education.</p> <p><i>Test data –</i></p> <p>Such as scores on standard achievement, aptitude, intelligence, and college entrance tests or exams, interest inventory results. Written consent of parent/guardian for collection of such data must be obtained by representational or individual consent.</p> <p><i>Observational Data –</i></p> <p>Systematically (example: baseline data) gathered teacher or counselor evaluations and observations of the social and personal assets and liabilities relating to student performance, findings of the Child Study Team (CST) or Response to Intervention (RTI) Team, clinical findings, psychological testing results, psychological or behavioral reports of physicians, verified findings of serious and recurrent deviant behavior patterns, social service and agency reports. (Sections 1330 (2), 1371, 1402(d) Public School Code.)</p>
<p>Pol. 209</p>	<p><i>Health Data –</i></p> <p>Comprehensive health record for each student including test results, measurements, regularly scheduled medical and dental examinations, special examinations, approved medical questionnaires completed by student or parent/guardian, medical or dental care recommendations, vaccinations, tuberculin testing, emergency treatment. (Sections 1303, 1402, 1403, 1406, 1413, 1414, 1421 Public School Code.)</p>

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Inspection of records (see Procedures For Inspecting And Releasing Records):

1. Inspection with authorization:

a. Commissioner of Education.

b. Department of Education personnel with legitimate educational interest.

c. State and federal educational, health and welfare agencies of which the student is client with legitimate educational interest.

d. District professional staff working with the student.

e. Parent/Guardian (except if student is an eligible student, written consent from only the eligible student shall be necessary); parents/guardians/eligible students shall be periodically informed of Category B records content and their right to access.

f. Student who is less than eighteen (18) years of age and in school with parent/guardian consent.

g. School and family physician; Comptroller General of United States; Director of National Institutes of Health; Assistant Secretary of Education; Secretary of Health, Education, and Welfare; Township or County Board of Health; Advisory Health Council; school district to which the student transfers (or parent/guardian if no re-enrollment in public school in Pennsylvania); gross physical neglect or unexplained injury - County Welfare Agency (Sections 1402{3}, 1406, 1408, 1411, 1422, and 23 Pa. C.S.A. 6301 et seq).

h. Health/Law enforcement officers in emergency.

2. Inspection with written authorization of parents/guardian or eligible student: attorney for eligible student, parent/guardian, or any insurance investigators with legitimate purpose. References or information that may cause the student embarrassment/shame, or impair personal security shall be deleted; reports or information by the student's personal physician or any outside agencies may not be inspected.

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	<p>Release of records (see Procedures For Inspecting And Releasing Records):</p> <ol style="list-style-type: none"><li>1. Release without authorization:<ol style="list-style-type: none"><li>a. Commissioner of Education.</li><li>b. Department of Education personnel with legitimate educational interest.</li><li>c. State and federal educational, health and welfare agencies (of which student is client) with legitimate educational interest.</li><li>d. Parents/Guardians (except if student is an eligible student, written consent from only the eligible student shall be necessary); parents/guardians/eligible students shall be periodically informed, through the District's web site, of the content of Category B records and their right to access to these data.</li><li>e. District professional staff working with the student.</li><li>f. Student who is less than eighteen (18) years of age and in school, with parental/guardian consent.</li><li>g. School/Family physician; Comptroller General of United States; Director of National Institutes of Health; Assistant Secretary of Education; Secretary of Health, Education, and Welfare; Advisory Health Council; school district to which student transfers; gross physical neglect or unexplained injury - County Welfare Agency (Sections 1402{3}, 1406, 1409, 1411, 1422, and 23 Pa. C.S.A. Sec. 6301 et seq).</li><li>h. Health/Law enforcement officers in emergency.</li></ol></li><li>2. Release with the written authorization of parent/guardian or eligible student: attorney for eligible student, parent/guardian, or any insurance investigators with a legitimate purpose. References or information that may cause the student embarrassment or impair personal security shall be deleted; reports or information provided by a personal physician or by outside agencies may not be released.</li></ol> <p>Retention and elimination of records:</p>
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1. Supplementary records (as defined in Category B, Test Data, Observational Data): retain two (2) years from the date of graduation, transfer, or withdrawal from school. (This data shall be reviewed and unnecessary data deleted within one (1) year of transfer from elementary to secondary school.)

2. Supplementary records (as defined in Category B, Health Data): retain two (2) years from date the student withdraws from school or transfers to a Pennsylvania school (surrender to parent/guardian if student does not re-enroll in Pennsylvania school).

### **Category C –**

Discipline records: includes school disciplinary actions, probations, suspensions, expulsions, juvenile court prosecutions, truancy, insubordination, incorrigibility, verified complaints of violation of law. (Sections 1333, 1338, 1318 Public School Code.)

Inspection of records:

1. Inspection without authorization:

a. Pennsylvania Human Relations Commission (Section 4 Fair Educational Opportunity Act, 24 P.S. 5004).

b. Information may be shared with the building principal or assistant principal and other district professional staff (as determined by the Director of Pupil Services); information may be available to police under police/school guidelines.

c. Parents/Guardians (except if student is an eligible student, written consent from only the eligible student shall be necessary).

d. Eligible student and student who is less than eighteen (18) years of age and in school with parental/guardian consent.

Release of records: records are not subject to release or duplication except by the school solicitor in defense of any suit brought against the school district by the student, parent or natural guardian; available to the Board of School Directors for use in school disciplinary proceedings; to appropriate members of school staff; and college admissions offices at the discretion of the Director of Pupil Services.

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Retention and elimination of records: three (3) years (Fair Educational Opportunity Act, 24 P.S. 5004).

### **Category D –**

Tentative records: includes unevaluated reports or subjective judgments needed in the ongoing investigations of criminal or antisocial conduct, certain personality test results (psychological or psychiatric clinical investigations), police reports, arrests, and convictions. No record shall be kept which reflects the political or religious activities or student beliefs.

Inspection and examination of records: information may be shared with the building principal or assistant principal; available to police under police/school guidelines.

Releasing and duplicating records: records cannot be released or duplicated.

Retention and elimination of records: review periodically or at end of the school year; destroy as soon as no longer needed or upon graduation, transfer or expulsion or withdrawal from school; or transfer to Categories B or C if verified and continued relevancy to the educational purpose is determined. If, for any reason, temporary unevaluated data are held for more than one (1) year, existence of data must be discussed with the parent/guardian and the reason for maintenance fully explained.

Parent/Guardian/Eligible student has the right of appeal to the Superintendent for continued maintenance of or unverified, adverse material.

### **Category E –**

Confidential files: includes student confidential information gathered by the guidance counselor, school nurse, home and school visitor or school psychologist (privileged) (Section 1319); information received from the student by a licensed psychologist in the course of professional duties; defamatory student information received from the student by a physician in the course of professional duties; information received in connection with diagnosis and treatment related to drug use, venereal disease or pregnancy (counselor, school nurse, home and school visitor, or school psychologist).

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Inspecting and releasing records: protected by the rules of confidentiality and privilege; not subject to inspection or release; remain in sole possession of maker.

Retention and elimination of records: destroy when no longer needed for specific purpose or upon student graduation, transfer, or withdrawal.

### Procedure For Inspecting And Releasing Records (All Categories)

Permission for parent's/guardian's/eligible student's inspection of records shall be granted within a reasonable period of time; no more than forty-five (45) days after the request has been made, at reasonable hours. The guidance counselor, psychologist or building principal shall be present to explain records meaning and implication.

The person making inspection shall sign and date permanent log in file.

When inspection is completed by parent/guardian or eligible student, they shall have the right to inspect Categories A and B, including information not originated in the school district, and to prepare written objections to any information in the records.

Written objection shall be signed and dated and shall become part of record. The parent/guardian or eligible student shall be entitled, on request, to a hearing thereon.

Original records shall not be released except upon a court order, and after approval by the school district solicitor. These records shall be delivered to the court in the custody of the school records custodian.

Requests for the release of originals or copies of records must be in writing, including the stated purpose thereof. If a request for copy is received and denied, the school district must explain the refusal in writing. Categories D and E may not be released or reproduced.

Authorized persons must identify themselves before requesting records release, and sign the written form to be filed permanently indicating specific educational or other interest. The person requesting the release shall pay, in advance, reasonable reproduction cost fixed by administration (not to

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<p>exceed \$0.50 per page).</p> <p>When a parent/guardian or eligible student cannot be reached, and student health or safety is involved, the Superintendent, Director of Pupil Services, or building principal may release information to health and law enforcement officials followed by written notification to parents/guardians.</p> <p>Restricted student information shall not be released by telephone. Information provided by outside agencies shall not be released by the school district; it may be released by the providing person or agency.</p> <p>Information shall be released to a third party only on condition that such party will not permit any other party to have access without the written parent/guardian or eligible student consent.</p> <p>The school district will maintain a record of information requests and disclosures to all parties who have obtained access to student records, except parent/guardian or eligible student, and other school officials who have a legitimate educational interest.</p> <p>A record which indicates the legitimate interest parties have in obtaining information from student records may be inspected by the parents/guardians or eligible student. The school district may disclose or release personally identifiable information from student education records in keeping with provisions of this policy without written consent of parent/guardian of student or eligible student if disclosure is:</p> <ol style="list-style-type: none"><li>1. To other school officials, including teachers, within the educational institution or local educational agency who have been determined by the agency or institution to have legitimate educational interests.</li><li>2. To officials of another school or school system in which the student seeks or intends to enroll.</li><li>3. To authorized representatives of Comptroller General of the United States, Secretary/Commissioner/Director of National Institutes of Education, or Assistant Secretary of Education, or state educational authorities.</li><li>4. For financial aid for which student has applied or received; provided, that personally identifiable information from student</li></ol>
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education records may be disclosed only as may be necessary for such purposes: to determine student eligibility for financial aid, to determine amount of financial aid, to determine conditions to be imposed regarding financial aid, or to enforce terms or conditions of financial aid.

5. To 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. This subparagraph applies only to statutes that require specific information to be disclosed to state or local officials, and does not apply to statutes which permit but do not require disclosure. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials to whom disclosures are made under this subparagraph.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions for developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; provided, that studies are conducted which will not permit personal identification of students and their parents/guardians except by official representatives of the organization. Information will be destroyed when no longer needed for purposes for which the study was conducted. Organizations include, but are not limited to, federal, state and local agencies.

### *Written Authorization (all categories) –*

Wherever herein records may be inspected or released by written authorization, it shall be only under following circumstances:

1. When proper written release consent has been obtained:

a. Consent must be given by the student's parent (or custodial parent in event of separation or divorce), guardian or adult person who filed affidavit of guardianship. When the student is an eligible student, his/her personal consent, not the parents'/guardians', must be obtained to inspect or release information.

b. Written parent/guardian or eligible student consent for release to third party must specify information to be released, reason for release, and to whom it is to be released, and whether copy is desired by parent/guardian or eligible student.

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	<p>Blanket or continuing permission will not be accepted for inspection or release of information.</p> <p>c. When records are released upon the written authorization of the parent guardian or eligible student to officials of another primary or secondary school system on transfer, or to college or postsecondary school, or to request for record transfer, receive copy of record if desired, and have a hearing opportunity to challenge the content of record. Confidential recommendation need not be given to postsecondary school or prospective employer unless the parent/guardian or eligible student signs a waiver of access to such confidential recommendation and provided the parent/ guardian or eligible student is, upon request, notified of the name of person making such recommendation.</p> <p>2. Under compulsion of law.</p> <p>3. When directed by subpoena, subject to inspection of court order or subpoena by the school solicitor and notice to parent/guardian or eligible student in advance of compliance with subpoena and/or court order, and in such event (unless otherwise specifically ordered only Category A and B records), there will be no inspection of record until properly requested in open court.</p> <p><u>Challenges And Hearings</u></p> <p>Parents/Guardians or eligible students shall have an opportunity for a hearing to challenge the contents of school records, Categories A, B, and C, to ensure that records are not inaccurate, misleading, or otherwise in violation of privacy or other student rights; to provide an opportunity for correction or deletion of inaccurate, misleading, or otherwise inappropriate data. (Sections 438(a) (2) Family Educational Rights and Privacy Act of 1974, Health Education and Welfare Regulations – 5 U.S.C. 3105/20 U.S.C. 1232g.)</p> <p>The building principal of the school in which the student is enrolled shall decide within fifteen (15) days of receipt of the request whether to amend student records. If the building principal decides not to amend the record in accordance with the request, s/he shall so inform the parent/guardian or eligible student of their right to a hearing.</p> <p>The school will, upon written request, convene a review panel</p>
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to provide the parent/guardian or eligible student with a hearing to be conducted according to provisions stipulated below.

Review panel: counselor, psychologist, Director of Pupil Services, and administrative assistant.

If the parent/guardian or eligible student is not satisfied with the outcome of the hearing, s/he may submit an explanation in writing to be appended to the contested portion of the record. An explanation is to be maintained with the record and released if the contested portion of the record is disclosed by the school to any parties.

To comply with the parent/guardian or eligible student request for a hearing, the school will adhere to the following procedures:

1. The hearing shall be held within thirty (30) days following receipt of the written request. The parent/guardian or eligible student shall be given notice of the date, place, and time at least ten (10) days in advance of the hearing.
2. The hearing shall be conducted by the Superintendent/designee who does not have direct interest in the outcome.
3. The parent/guardian or eligible student may be represented by counsel at the individual's own expense, and afforded a full and fair opportunity to present evidence.
4. Within thirty (30) days after conclusion of the hearing, the school will present a decision in writing based solely on evidence presented at the hearing including a summary of evidence and reasons for decision.
5. The parent/guardian or eligible student will be given an opportunity to place an explanation in the record retained as result of the hearing.

Location And Responsibility For Student Educational Records  
(All Categories A, B, C, D)

The Director of Pupil Services is responsible for the supervision of designated personnel who are responsible for collecting, maintaining, securing, and releasing of student records. Designated personnel responsible for collecting, maintaining, securing, and disseminating student records

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	<p>follows.</p> <p>NOTE: Staff designated as responsible need not, during routine assigned work, sign individual student record log.</p> <p>NOTE: It is required that all staff and permitted outside agencies (except those noted as responsible) sign log sheet found in all pupil records.</p> <p>Records are to be kept under lock and key at all times under supervision of designated professionals.</p> <p>Secretaries and clerks assigned to psychologists, nurses and counselors are granted the same immunity as professionals relative to privileged information.</p> <p>Records are to be updated annually as required by school district policy (e.g. C Category may become B Category). Staff designated as responsible for various district records will arrange for in-school committees to review records prior to the end of the school year (e.g. principals may designate teachers from their specific teams to review Categories A, B, and C data).</p>
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### **COLLECTING, MAINTAINING, DISSEMINATING, AND ELIMINATING EXCEPTIONAL STUDENT EDUCATIONAL RECORDS**

The Easton Area School District recognizes the need to protect the confidentiality of personally identifiable information in the educational records of exceptional children. This policy has been prepared to ensure privacy rights of parents/guardians and exceptional children in collecting, maintaining, releasing, and eliminating personally identifiable records of exceptional children, incorporating provisions from State Board of Education regulations in pupil records (PA Code 22, Chapter 12), and Family Educational Rights and Privacy Act of 1974, confidentiality section of P.L. 92-142, and confidentiality standards for special education (PA Code 22, Chapter 341).

The Easton Area School District will review and update, as needed, this educational records plan. Changes will be submitted to the Board and the Pennsylvania Department of Education for approval.

#### Definitions

**Elimination** - physical destruction or permanent removal of identifying data from student educational records so that information is no longer personally identifiable.

**Directory Information** - student information: name, address, telephone number, date and place of birth, participation in school clubs, activities, sports, weight and height, attendance record, degrees and awards received, most recent previous educational institution or agency attended by student, other pertinent information.

**Disclosure Release** - communication of student information from educational records: orally, in writing, other.

#### **Educational Records –**

1. Include records directly related to the student and maintained by the educational agency or institution or by the party acting for the agency or institution.

2. Do not include:

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SC 1376	<p>a. Records of instructional, supervisory, administrative personnel and educational and ancillary personnel (sole possession of maker), not accessible or revealed only to any other individual (except substitute who performs in absence of person who made record).</p> <p>b. Records of educational agency or institution which contain only information relating to person no longer a student at the educational agency or institution (alumni).</p> <p>c. Records relating to eligible student: created or maintained by physician, psychiatrist, psychologist, other recognized professional or paraprofessional acting or assisting in a professional capacity; created, maintained or used only in connection with student treatment; not disclosed to anyone except individuals providing treatment. Records may be personally reviewed by a physician or other appropriate professional of the student's choice. <b>Treatment</b>, as defined herein, does not include remedial educational or other activities of instruction.</p> <p><b>Educational Agency</b> - school district or Intermediate Unit and any component part thereof which collects, maintains, or uses exceptional student educational records or information; approved private school record of exceptional student enrolled or has been enrolled as approved placement student according to provisions of Section 1376 of Public School Code of 1949.</p> <p><b>Eligible Student</b> - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. An eligible student may, without parent/guardian consent, request/receive his/her educational records.</p> <p><b>Legitimate Education Interest</b> - purposeful educational student involvement with direct responsibility for providing instruction or supportive services.</p> <p><b>Parent</b> - parent, guardian, or an individual acting as parent in absence of parent or guardian. The school presumes that either parent has authority to inspect and review the educational record unless provided with evidence of a legally binding instrument or state law or court order governing divorce, separation or custody, providing to contrary.</p> <p><b>Personally Identifiable Information</b> - name, address, identifying information: telephone or social security number, list of personal characteristics which would make identity easily</p>
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traceable by person not already familiar with student, other information which would make identity easily traceable.

**Maintain** - retain custody of.

**Record** - information or data recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche.

**School Officials** - professional staff (as defined by school policy) certified teachers, administrative personnel, counselors, speech therapists, psychologists, home and school visitor, nurses, and dental hygienist. Exceptions: student teachers and volunteers. Parent/Guardian or eligible student permission must be obtained by student teachers for the preparation of case histories to fulfill college requirements.

**Student** - any exceptional school-age person or preschool pupil for whom the educational agency maintains records.

### Responsibility And Authority

The Director of Pupil Services will be responsible for and have final authority for collecting, classifying, storing, and accurately releasing pertinent student data in student files useful for the educational planning and programming. Appeals from any decision by the Director of Pupil Services may be taken to the Superintendent who may grant exceptions thereto.

Parents/Guardians and eligible students will be notified annually, on the District's web site, of district policies and procedures regarding student educational records, data collected through representational consent, conditions for disclosure of information, parent/guardian/ eligible student access rights to educational records, and notice of where a copy of the student records policy may be obtained.

### Collection Of Data

No data shall be collected from students without the prior informed consent of the student and parent/guardian. Prior informed consent of eligible student only is required. Consent (depending on nature of record) may be given either individually or through legally elected or appointed representatives (Board of School Directors) as defined below

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### *1. Representational Consent –*

Data gathering may be approved under certain circumstances by appropriately elected representatives (i.e. Board of School Directors). Aptitude and achievement testing and reporting of skill and knowledge obtained by such testing are considered examples of this category. The parent/guardian or eligible student should be notified in advance by school officials of the comprehensive testing program and other data gathering procedures approved by their elected representatives. The parent/guardian or eligible student will be guaranteed a reasonable opportunity to contest the need or desirability of such data collection. Whenever representational consent is sufficient, the parent/guardian or eligible student shall be informed by school officials of the purposes and character of data collection.

### *2. Individual Consent –*

Tests or student assessment not included in Board of School Directors approved internal group testing program or any other survey-type data collection procedures not specifically pre-approved (Board of School Directors) as part of the internal testing program or state mandated programs and procedures require individual student consent. Permission for psychological examination (by individual consent) is the responsibility of the internal referring source:

- a. For collection of personality testing and assessment data.
- b. When impossible to obtain separate consent of every parent/guardian or eligible student for every data gathering process, approved by appropriately elected representatives: legislative, Board of School Directors, or other body, will, in some situations, satisfy principle of consent.
- c. Must be in writing.
- d. Must be obtained when student is competent to understand nature and consequences of decision.
- e. Shall not be binding unless freely given after the parent/guardian or eligible student has been fully informed of the collection methods and use of information.
- f. Form will be presented in native language of the

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20 U.S.C.	<p>parent/guardian or eligible student.</p> <p><u>Classification Of Records</u></p> <p>The official student record shall be initiated by the school first attended and maintained by the Director of Pupil Services under security and responsibility of designees (i.e. building principal, program supervisor). Information shall include personal and family data.</p> <p><i>Official Student Records –</i></p> <p>Types of data:</p> <ol style="list-style-type: none"><li>1. Administrative: sex, name, date/place of birth, address, telephone number, academic arts earned, attendance data, enrollment dates, parent/guardian names/status.</li><li>2. Supplementary: medical/dental records.</li><li>3. Current IEP's; standardized intelligence and aptitude test scores, including college entrance examination results; health data; family background information; teacher/counselor ratings and observations; service awards; achievements; volunteer services in schools or community; part-time work; verified reports of serious or recurrent serious behavior patterns.</li><li>4. Other verified specific data (parent/guardian or eligible student request). If teacher or counselor or building principal refuses to accept parent/guardian or eligible student request, parent/guardian or student may appeal to Director of Pupil Services.</li><li>5. Parent/Guardian or eligible student may submit dated/signed statement concerning any material in official student record.</li></ol> <p><i>Provisional Records –</i></p> <p>Sensitive but potentially useful but unverified reports. Information may be collected but not be included in official student record.</p> <p>Types of reports:</p> <ol style="list-style-type: none"><li>1. Psychological.</li></ol>
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<p>Sec. 1400 et seq</p>	<ol style="list-style-type: none"><li>2. Psychiatric.</li><li>3. Language evaluation.</li><li>4. Speech evaluation.</li><li>5. Neurological evaluation.</li><li>6. Psychoneurological evaluation.</li><li>7. Social service and agency.</li><li>8. Central auditory battery test.</li><li>9. District hearings/state hearing (due process).</li></ol> <p>Provisional records: referrals/parental requests for special services, including decisions and projected plans. IDEA 2004 as it relates to due process forms and procedures shall be observed without exception, including initiating, maintaining, and releasing records.</p> <p><i>Confidential Files –</i></p> <p>Information received in confidence by the school physician, counselor, school nurse, home and school visitor or school psychologist (privileged Sec. 1319 Public School Code).</p> <p>Information received by licensed psychologist in course of professional duties.</p> <p>Data covered by above two (2) items are considered memory aids for confidential use by professional in direct involvement with student. Professional memory aids are not considered educational records; they must be eliminated when no longer needed or when student leaves school system.</p> <p><u>Inspecting And Disclosing Records</u></p> <p><i>Right to Inspect or Examine Official Student Records –</i></p> <p>Parent/Guardian or eligible student:</p> <ol style="list-style-type: none"><li>1. Parent/Guardian, eligible student, or designated representative shall be permitted to examine contents of the official student record in the presence of a teacher, counselor, or administrator. Such requests must be honored within thirty</li></ol>
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<p>(30) days.</p> <p>2. If the parent/guardian of the student is separated or divorced, either or both parents may have access unless legal restraining order prohibits such access by either parent/guardian.</p> <p>3. Requests to inspect or examine records must be properly addressed to the responsible professional. Mutually agreeable time, not to exceed thirty (30) days, shall be set for honoring such requests.</p> <p>4. The parent/guardian or eligible student will be informed periodically of the contents and right of access to student records. Copies, on request, will be provided at reasonable cost. The parent/guardian or eligible student should, on reasonable request, be given an explanation and interpretation of records.</p> <p>5. The names and information relating to other students shall be obliterated during records inspection and review.</p> <p>Disclosure of records without written consent:</p> <p>1. Official student records may be released without parent/guardian or eligible student consent to:</p> <p>a. Easton Area School District professional staff who have legitimate educational interest, certified teachers, administrative personnel, counselors, speech therapists, psychologists, case and social workers, nurses, school physician. Excluded: student teachers preparing case histories to fulfill college requirements.</p> <p>b. Officials of another requesting school system in which the student intends to enroll. Reasonable effort must be made to notify the parent/guardian or eligible student of the material to be disclosed and the right to obtain copies of the material to be disclosed, and to request amendment of records.</p> <p>c. Federal and state officials for audit and evaluation of federally supported education programs or for complying with legal federal requirements which relate to these programs. Information provided shall include minimum personally identifiable information and shall be eliminated upon completion of audit, evaluation, enforcement, or compliance.</p>
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d. Persons or agencies:

- 1) Serious threat to health or safety of student or other individuals.
- 2) Emergency need for information.

e. Persons or agencies in compliance with a judicial order or pursuant to any lawfully issued subpoena. The parent/guardian or eligible student shall be notified of all such orders and district compliance. The parent/guardian or eligible student may request a receipt of copy of information to be released. Copies will be provided at reasonable cost.

2. When the school district of residence, Intermediate Unit, or Department of Education requests release of information, approved private school must comply within seven (7) days after receipt of the request.

3. When the school district in which the student is enrolled or intends to enroll requests release of information, the district will comply with the request within seven (7) days after receipt of request.

4. The school may, without consent, provide anonymous data from records, including official student records, for research purposes, provided there is no student identification.

5. Present/Former student directory information will be released without consent except when the parent/guardian or eligible student has requested information not be disclosed. The parent/guardian or eligible student will be notified prior to disclosure and will have ten (10) days to respond.

6. Identifying lists of student names and addresses shall not be released to any outside agency.

*Rights to Inspect or Examine Provisional Records –*

Parent/Guardian or eligible student (see access for official student records).

Provisional records may not be released without written consent of the parent/ guardian or eligible student. Exception: professional staff with a legitimate educational interest as designated by Director of Pupil Services/designee.

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### *Requests for Inspection and Disclosure –*

Outside agencies or professional staff seeking access to official student records shall sign a written form to be kept with the official student record for inspection by the parent/guardian or eligible student. This form shall indicate specific legitimate educational interest/need for information, identity of signer, and access approval date.

The Director of Pupil Services shall maintain a current\* listing of names and positions of school officials authorized to have access to personally identifiable information in educational records of exceptional children.

\*Individuals on this list do not have to record access to education records.

### *Consent to Inspection and Disclosure –*

Records may be inspected or disclosed only upon written consent and under the following circumstances:

1. Consent must be given by the parent/guardian or eligible student.
2. Written consent must be dated and signed by the parent/guardian or eligible student, and must specify information to be disclosed, reasons for disclosure, and to whom it is to be disclosed. Blanket or continuing permission for inspection or disclosure of information will not be accepted.

Records to be released under compulsion of law or lawfully issued subpoena or order shall first be inspected by the school solicitor. There will be no prior inspection of record by requesting party. The parent/guardian or eligible student shall be notified of all such orders and subpoenas in advance of compliance.

### Maintenance And Elimination Of Records

#### *Periodic Review and Data Deletion –*

The parent/guardian or eligible student will be notified annually of school district policies and procedures regarding the student educational records, data collected through representational consent, conditions for disclosure of information, access

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rights of parent/guardian or eligible student to educational records, and notice of where the student records policy may be obtained.

The Easton Area School District shall provide effective notification to the parent/guardian or student identified as having primary or home language other than English.

### *Periodic Deletion of Data –*

The parent/guardian or eligible student shall be informed when personally identifiable information is no longer relevant or needed to provide educational services.

Upon the request of the parent/guardian or eligible student, information no longer relevant to or necessary for educational services will be eliminated. A written record of the student's name, address, phone number, grades, attendance records, classes attended and grade level completed must be maintained for at least one hundred (100) years beyond the date the student attains age twenty-one (21).

Except as stated in the paragraph above, nothing in this section shall be construed to mean that Easton Area School District is required to eliminate educational records.

Prior to elimination of information referred to above, Easton Area School District shall send written notification to the parent/guardian or eligible student to advise of the right to receive a copy of district generated material to be eliminated.

The parent/guardian or eligible student will be informed of material not generated by the district (i.e. psychiatric, neurological reports; agency reports; etc.) to be eliminated. Copies of such information must be disclosed by the generating person or agency.

No educational records will be eliminated that contain information necessary for the education of the student now or previously in the educational program operated by Easton Area School District.

### *Longevity of Data –*

Administrative data shall be maintained by the school district for at least one hundred (100) years beyond the date the

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student attains the age of twenty-one (21).

Professionals shall, at regular intervals, eliminate unnecessary supplementary or provisional data. Student medical records shall not be eliminated for at least five (5) years after the student is no longer enrolled in a district program. Exceptions may be made when there is good cause for retention.

### *Location of Records –*

See Appendix A.

### Amendment Of Records

The parent/guardian or eligible student who believes that inaccurate or misleading information is contained in student educational records or such information violates privacy or other student rights, may request an amendment by making a request to the Director of Pupil Services.

The Director of Pupil Services will arrange, within ten (10) working days, to meet with the parent/guardian or eligible student to discuss this issue. Amendment Of Records  
The parent/guardian or eligible student who believes that inaccurate or misleading information is contained in student educational records or such information violates privacy or other student rights, may request an amendment by making a request to the Director of Pupil Services.

The Director of Pupil Services will arrange, within ten (10) working days, to meet with the parent/guardian or eligible student to discuss this issue.

The Director of Pupil Services shall decide, within forty-five (45) days after the request is received, whether to amend disputed information.

If the Director of Pupil Services agrees to amend disputed information, the parent/guardian or eligible student shall be notified in writing.

If the Director of Pupil Services decides not to amend the education records in accordance with the parent/guardian request, the Director of Pupil Services will so inform the parent/guardian or eligible student in writing giving reason(s) for refusal and shall provide further notification of right to

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<p>request and receive a Records Review Hearing.</p> <p>Records Review Hearings</p> <p>The parent/guardian or eligible student shall have the opportunity for a Records Review Hearing to challenge the contents of student records, official and provisional, to ensure that records are not inaccurate, misleading, or in violation of student privacy or other rights, to provide opportunity for correction or deletion of inaccurate, misleading or otherwise inappropriate data.</p> <p>The Superintendent shall appoint a quasi-judicial review panel composed of professional personnel and nonschool personnel for hearing challenges to student record data.</p> <p>The Records Review Hearing shall be held within thirty (30) days after the request has been received at a mutually agreed upon time and place. Notice of date, place, and time will be given to the parent/guardian or student not later than five (5) days in advance of the hearing.</p> <p>The parent/guardian or eligible student shall be afforded a full and fair opportunity to present relevant evidence, and may, at personal expense, be assisted or represented by individuals/attorney.</p> <p>The decision of the Records Review Hearing panel shall be based solely upon hearing evidence, and shall include summary of evidence and reasons for decision.</p> <p>This decision will be rendered in writing within thirty (30) days after conclusion of the hearing. The parent/guardian or eligible student will be informed of the decision in writing, copy to be retained in official student records.</p> <p>The parent/guardian or eligible student shall have a right to place hearing explanation in the official student records, if the decision rendered is not to amend the education records.</p> <p><u>Implementation</u></p> <p>Directors, supervisors, building principals, or designated professional personnel will screen student records to eliminate</p>
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<p>contradictory materials. Items removed from the file during the screening process must be eliminated.</p> <p>Following adoption of this revised policy by the Easton Area Board of School Directors:</p> <ol style="list-style-type: none"><li>1. A parent/guardian or eligible student who wishes to file policy compliance complaints may do so by contacting the Superintendent. If further appeal is necessary, the parent/guardian or student may contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.</li><li>2. This Student Records policy is on file with the Superintendent and Director of Pupil Services. Copies are available upon request to the Director of Pupil Services.</li><li>3. The policy of the district is to comply in full with the requirements of state and federal law governing the maintenance of records and other personally identifiable information and the privacy rights of students and their families. To the extent that any provision of this policy is construed as or found to be inconsistent with federal or state law, the district will treat that provision as null and void.</li></ol> <p>The professional staff will be informed of this policy through in-service education.</p> <p>References:</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR 99</p> <p>School Code – 24 P.S. Sec. 1303a, 1305-A, 1306-A, 1402, 1409, 1532, 1533</p> <p>State Board of Education Regulations – 22 PA Code Sec. 4.52, 12.31, 12.32</p> <p>Easton Area School District Board Policy – 209, 213, 214, 215</p>
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### Appendix A

The Director of Pupil Services is responsible for the supervision of designated authorized personnel to collect, maintain, secure, and release student records. Authorized personnel:

NOTE 1: Staff authorized as “responsible” are not required, during routine assigned work, to sign an individual student record log.

NOTE 2: All staff (except those noted as “authorized”) and outside agencies, if permitted to examine record, are required to sign a log sheet found in all student records.

NOTE 3: Records must be kept under lock and key at all times and supervised by the authorized professionals. Secretaries and clerks assigned to psychologists, nurses, and counselors are granted the same privileged immunity as professionals.

ELEMENTARY SCHOOL:

RECORD/REPORT	LOCATION OF RECORDS	RESPONSIBILITY	CLERICAL FUNCTIONS
Attendance Records	Principal's Office	Principal	Bldg. secretary/ clerks
Cumulative Records (active/inactive)	School Office Area	Principal	Teachers./Bldg. sect. inst. assist./clerks
Health Records	Nurse's Office	Principal /Nurses	Nurses/Bldg. sect./clerks
Discipline Records	Principal's Office	Principal	Bldg. secretary/ clerks
Psychological Records (copy)	Psychologist Office/Pupil Serv. Office	Psychologist Director of Pupil Services	Psychologist/Special Education Clerks

MIDDLE SCHOOLS AND HIGH SCHOOL

RECORD/REPORT	LOCATION OF RECORDS	RESPONSIBILITY	CLERICAL FUNCTIONS
Attendance Records	Assistant Principal's Office	Principal Assistant Principals	Bldg. secretary Clerks
Permanent Records (active/inactive)	Guidance Office	Principals Counselors	Counseling secretarial staff
Cumulative Records (active/inactive)	Counselor's Office	Principal Counselors	Counseling Div. Secretarial staff
Health Records	Nurse's Office	Principal Nurses	Nurses/Nursing Asst.
Discipline Reports	Principal's Office Asst. Prin. Office	Principal Assistant Principal	Bldg. Secretary/ clerks
Psychological, Records (copy)	Psychologist's Office	Principal Director of Pupil	Staff Psychologist Special Education

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		Services	Clerks
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DISTRICT LEVEL:

RECORD/REPORT	LOCATION OF RECORDS	RESPONSIBILITY	CLERICAL FUNCTIONS
Annual Attendance Records	District Offices	Central Office Administrators,	Child Accounting Clerk
Psychological Reports	Special Education Office	Director of Pupil Services/ Psychologists	Pupil Services secretarial staff
Special Education Documentation	Special Education Office	Director of Special Education	Special Education Staff
Gifted Documentation	Pupil Services Office	Director of Pupil Services	Pupil Services Staff