

LEBANON SCHOOL DISTRICT

POLICY: 216
SECTION: PUPILS
TITLE: STUDENT RECORDS
ADOPTED: July 18, 1994
REVISED: July 16, 2018

216. STUDENT RECORDS

Purpose

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 welfare and progress of students 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.¹

The primary purpose of student record keeping shall be the educational and medical welfare and advancement of the student.²

Authority

The Board recognizes its responsibility in this district for the compilation, maintenance, retention, disposition, and access to and security of student records.³

The Board shall adopt a comprehensive plan for all aspects of student records that conforms to the mandates of the Family Educational Rights and Privacy Act (FERPA) and its regulations; the Guidelines for the Collection, Maintenance, and Dissemination of Student Records; and the Standards for Special Education. Only educational records mandated by federal and state statutes and regulations, or permitted by the Board, may be compiled by district staff.⁴

Parents/Guardians and eligible students eighteen (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.

¹ 24 P.S. 1402(b), 1532, 1533.

² 24 P.S. 1409.

³ 22 Pa. Code. 12.33; P.L. 93-380; 34 CFR 99.

⁴ 20 U.S.C 1232g; 34 CFR 99; 22 Pa. Code. 4.52; 12.31-.32.

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing and implementing a comprehensive plan for records of regular students and students with disabilities that meets the requirements of all state and federal statutes and regulations and is approved by the Board.

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

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.⁵

Definitions

Destruction shall mean the physical destruction or permanent expungement of identifying data from the education records of a student so that the information in those records is no longer personally identifiable.

Directory Information includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, sex, parent's and sibling's name(s), major field of study, participation in officially recognized activities and sports, weights and heights of athletic team members, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended and other similar information.

Disclosure shall mean permitting access or the release, transfer, or other communication of educational records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by other means to any party.

Educational Agency shall mean a school district, intermediate unit, approved private school, the Pennsylvania Department of Education and Scranton State School for the Deaf and any component thereof, which collects, maintains, or uses an exceptional student's educational records containing personally identifiable information or releases such records or information.

Education Records shall mean those records which: (1) are directly related to a student, (2) are maintained by an educational agency or institution or by a party acting for the agency or institution and (3) are prepared by a third party and kept by the educational agency.

⁵ 24 P.S. 1532.

Eligible Student shall mean a student who has attained eighteen (18) years of age, or is attending an institution of post-secondary education.

Exceptional Student shall mean those persons identified as being hearing impaired, mentally gifted and talented, intellectually disabled physically handicapped, learning disabled, brain damaged, speech and language impaired, socially and emotionally disturbed, visually impaired, or severely multihandicapped.

Legitimate Educational Interest shall mean a purposeful educational involvement with a student in which there is a direct responsibility for providing instruction or supportive services.

Parent shall include a parent, guardian or an individual acting as a parent or a student in the absence of a parent or guardian as the result of a court order or legally binding instrument.

Personally Identifiable Information shall mean the data or information which includes (a) the name of the student, the student's parent, or other family member, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information that would make the student's identity easily traceable.

Record shall mean any information or data recorded in any medium, but not limited to: handwriting, print, tapes, film, microfilm and microfiche.

Release shall mean the giving of access to or the allowance of inspection, transfer disclosure, or communication of any portion of a student's educational interest and are directly responsible for the instruction of the health and safety of students while in attendance at school.

School Officials shall mean Administrators, Board members acting in official capacity, teachers, and support personnel who have legitimate educational interest and are directly responsible for the instruction or the health and safety of students while in attendance at school.

Guidelines

The Lebanon School District believes in the principle of individual rights of privacy, and the policy as outlined herein is a demonstration of this belief. Administrative procedures are available to carry forth the policy in the schools of the district.

A cumulative record shall be kept for each pupil enrolled. This record shall be initiated upon entry and shall follow the student through the schools of the Lebanon School District. The sole purpose for the development and maintenance of the cumulative record shall be for the professional staff to provide the maximum educational experience for each pupil.

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

1. Annually informing parents/guardians and eligible students of their rights and the procedures to implement those rights.
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.⁶

Procedures for disclosure of student records shall apply equally to military recruiters, colleges and universities, medical secretaries, doctors and prospective employers.⁷

The annual notice of rights shall inform parents/guardians and eligible students of the following:

1. The right to inspect and review the student's education records within forty-five (45) days of the district's receipt of the request for access.
2. The right to request amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading or otherwise violate the privacy rights of the student.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state laws authorize disclosure without consent.
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if the district discloses certain materials without prior consent.

⁶ 24 p.s. 1305-a.

⁷ 51 P.S. 20221 *et seq.*

5. The right to refuse to permit the designation of any or all categories of directory information.
6. The right to request that information not be provided to military recruiting officers.⁸

Classification

Administrative Records (Category A). Official administrative records shall include only the minimum data necessary and shall cover such items as name, address, telephone, date of birth, sex, parents, siblings, grades, class standing, standardized test scores, scholastic aptitude test scores, attendance records and participation in school affairs. Only Category A, data shall be recorded on the permanent record card. Clarifying data may be added as necessary. "Scholastic aptitude test scores" include college entrance examination scores.

Supplementary Records (Category B). This group of data shall include verified information of significance to the school and contain standardized intelligence tests scores, individual psychological evaluations, personality and interest test scores, health data, family background information, teacher or counselor ratings and observations, individualized education programs (IEP'S), and verified reports of behavior patterns of an important level. Category B data will not be recorded on the permanent record card, but will be maintained in the students' cumulative folders. I.Q. scores already on permanent record cards will be obliterated prior to microfilming records.

Tentative Information (Category C). This shall include useful information that has not been fully verified and has no significance beyond the immediate present. This shall include psychiatric evaluations, clinical findings and unevaluated reports of teachers or counselors that may be necessary to assist the pupil.

Confidential, Personal Files of Professionals in the School, (Category D). Professionals working in the school (school psychologist, home and school visitor, counselors) may maintain personal and confidential files containing notes, transcripts of interviews, clinical diagnosis, and other memory aids for their own use in counseling pupils. Any and all data that are considered to be the personal property of the professional should be guarded by the rules given herein in addition to those dictated by professional ethics, subject to the terms of the employment contract between the school and the professional and any special agreements made between the professional and individual parents and/or students. This data is considered strictly confidential and must be respected as such.

Collection of Data

All data shall be collected only with the prior informed consent of the pupil and/or parents. Consent may be individual or representative (Board of School Directors) depending on the information to be collected. Procedures for individual consent are outlined in Policy No. 113

⁸ 51 P.S. 20221 *et seq.*

Placement and Programming of Exception Children.

Representational consent shall be sufficient as regards group testing for intelligence, aptitude, achievement and interest, and items considered under Category "A". Parents shall be informed annually as to what is to be collected. Individual (parent or eligible student) consent shall be required for individual assessment and personality measures and shall be in writing. Consent shall be requested in writing with as much detail as to use, retention period, etc. as possible.

Maintenance of Records

Classification "A" records shall be considered permanent and retained for 100 years. Classification "B" records, where not in conflict with existing statutes shall be eliminated from pupil folders at specified times (elementary to junior high, junior to senior high, upon graduation). Exceptions may be made where, under rigorous standards and impartial judgment, good cause for their retention can be shown. Classification "C" records shall be eliminated when the purpose for which they were collected no longer exists. Records of this nature shall not be kept beyond the school year in which collected without the written consent of the parents or eligible student after the record in question has been reviewed.

School health records (Pol. 209) shall be transferred with the child's educational records when the child transfers to another school. The health record shall be kept on file for five (5) years beyond graduation. The school health records may be destroyed two (2) years after a student who does not graduate ceases to be enrolled. The school may surrender the child's health record, or portion thereof, to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

Disclosure

In the case of exceptional students, the school shall inform a student's parents when personally identifiable information in the student's records is no longer relevant to and necessary for the provision of educational services to the student. At the request of the parent, such information must be destroyed. Except as stated in this paragraph, nothing in this section shall be construed to mean that the school is required to destroy educational records. Prior to the destruction of the information referred to in this paragraph, the school shall send written notification to the parents informing them of their right to receive a copy of the material to be destroyed. Notification is not required for the destruction of extra copies of records maintained by the school.

An educational agency or institution shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided herein. This written consent must be signed and dated by the eligible student or parent and must specify the records to be disclosed, the purpose of the disclosure, and the party(ies) to whom the disclosure may be made.

Student records may be disclosed without prior consent to school officials, including teachers, who have been determined by the institution to have legitimate educational interest. The principal shall determine the “school officials” and “legitimate educational interest.”

Records may be released to other school districts with the condition the parents be notified of what is to be sent, given an opportunity to examine the records, given a copy if desired, and an opportunity to challenge the content if desired. In the case of exceptional students, if a school district in which a student is enrolled or seeks to be enrolled requests that an agency release student records or personally identifiable information from records of the student, the agency shall comply with the request within seven (7) days of its receipt of the request.

Records may be released without prior consent of parents or eligible students to: (1) the State Secretary of Education or designee; (2) authorized representatives of the Comptroller General of the United States, HEW Secretary, the Commissioner, the Director of NIE, or the Assistant Secretary for Education; (3) appropriate parties in a health or safety emergency; (4) state or local officials to whom information is specifically required to be reported pursuant to state statute adopted prior to November 19, 1978.⁹

Records may be released in compliance with judicial order, or pursuant to any lawfully issued subpoena if parents are notified in advance of compliance.

The Superintendent shall make available to all armed forces recruiters the same access to senior students as is available to institutions of higher education and trade schools. Such information shall include, but not be limited to, a list of senior students (male and female) by name, home address and, if published, telephone number, who will graduate from school at the end of the respective academic year. This list will be available to military recruiters by the first day of the Academic year in which the senior student graduates. The District shall notify the students in writing, prior to the end of their junior year, of these requirements. Students shall have twenty-one (21) calendar days to request, in writing to the Superintendent, the exclusion of the student's name prior to the release of such list. Should the Superintendent not comply with this requirement, s/he shall upon conviction, be sentenced to pay \$100 per day until such information is furnished. Any costs incurred by the District for the release of such information will be reimbursed by the armed forces recruiter upon written proof of expenses.

Category "D" data described above shall not be released under any conditions.

The school shall for each request for and each disclosure of personally identifiable information, maintain a record kept with the education records of the student which indicates the parties who have requested or obtained the information and the legitimate interests these parties had in requesting the information. This does not apply to parental or eligible student disclosures and to disclosures for which written consent is not required. The record of requests and disclosures may be inspected by parents, eligible students, and school officials.

⁹ Act 10 of 1991

Inspection and Review

A student, or his/her parents or guardian or their legal representative may have access to the official administrative record (Category "A", above).

Parents and eligible students may have access to "Category B" data. Students may have access to "Category B" data with parental permission. Access to records by a parent, guardian or pupil shall be permitted only in the presence of administrative or guidance personnel who shall be responsible for interpretation.

Prior written request must be made and a proper time allowance given. The school shall comply in no longer than a thirty (30) day period.

Parents and eligible students may be provided a copy of educational records, provided a reasonable period of time is given to the school to prepare them. All legitimate requests for copies of educational records will be filled within five (5) working days of the request. "Legitimate requests" as used in this paragraph shall mean written requests from parents and/or eligible students. Any fees charged shall be forwarded to the office of the district Business Manager. Checks, if used, payable to the Lebanon School District.

Official transcripts of records will not be provided to parents or eligible students, but will be mailed directly to the institutions or firms designated by the parent or student.

In the case of an exceptional student:

When a parent so requests, access rights must be complied with prior to a conference regarding an individualized education program and prior to a hearing relating to the identification, evaluation, or placement of the child.

A parent has the right to designate (in writing) a representative who will inspect, review or obtain copies of the records of their children.

A parent 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.

If any educational record includes information on more than one child, only the information relating to their child may be released to a parent.

Custody and Security

The school presumes that either parent has the authority to inspect and review the education record of the student unless the school has been provided with evidence that there is a legally binding instrument or a State law or court order governing a divorce, separation or custody providing to the contrary. This means that both parents will be allowed to inspect records

unless one or the other provides legal proof as stated above. In that case, the parent having legal custody must give written permission for the other parent to inspect and review records. Only the parent with custody may have copies of records.

The principal of each school shall be responsible for the records of the pupils within the school. Specific functions in the records collection, maintenance and dissemination process may be delegated by the principal to other professional personnel.

The Superintendent, or a designee, shall be responsible for pupils that have left school, the implementation and monitoring of the policy, security of records, assignment of specific tasks relative to the record keeping policy and function, and for information and in-servicing of staff. This shall include developing specific procedures that describe where each type of record is kept in each building, how it shall be kept, and who is responsible for the security of records.

The educational records of each student are kept in the building the student attends. The records include those records designated under classification. The principal of each building, or a designee is responsible for the maintenance and security of the records and enforcement of this policy.

Educational records shall be kept under lock and key at all times and may not be removed from the building in which they are normally kept except as provided for herein.

Parent Challenge

Eligible students and/or their parents have a right to challenge records and/or request a hearing and shall do so by a written notification to the Superintendent which details the specific information in the records to which the student/parent objects. The Superintendent shall confer with the necessary persons, including the district solicitor, and reply in writing to the challenge within ten (10) school days.

If it is decided to conduct a hearing, it shall be held at a mutually agreeable time and place within thirty (30) days after receipt of the request from the parent or eligible student. The parent or eligible student shall be given written notice of the date, time and place of the hearing no later than five (5) days in advance of the hearing. The hearing shall be conducted by someone appointed by the Superintendent of Schools who does not have a direct interest in the outcome. The parent may be assisted by any individual of their choice at their own expense and shall be afforded the opportunity to present evidence in support of their position. The parent or eligible student shall be informed of their right to place in the educational records of the student, a statement commenting upon the information in the educational records and/or setting forth any reason for disagreeing with the decision arrived at in the hearing. The school shall make a decision within thirty (30) days after the conclusion of the hearing and the decision shall be given to the parent in writing, including a summary of the evidence and reasons for the decision.

Parents and/or eligible students have the right to file complaints with a federal review board. The address of this review board is: The Family Educational Rights, and Privacy Act Office (FERPA), Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201

Miscellaneous

The district may disclose information identified as "directory information" of present or past students provided it gives public notice of what information is designated "directory information" and of the right of a parent to refuse to permit directory information to be released. To prevent release of directory information, a parent must inform the school in writing within ten (10) days (thirty (30) days in the case of exceptional students) after the public notice that they do not want directory information with respect to their student, released. Directory information may be disclosed for purposes beneficial to the student or the school district only with the approval of the Superintendent or his/her designee.

Parents shall be informed annually of the existence of educational records and their right of access and challenge as provided for herein.

For an "eligible student" as defined herein, the rights accorded to and the consent required of the parent shall thereafter only be accorded to and required of the eligible student.

Copies of this policy may be obtained at the Lebanon School District, Administrative Office, 1000 South Eighth Street, Lebanon, Pa.