

SECTION: PUPILS
 TITLE: STUDENT RECORDS
 ADOPTED: August 12, 1991
 REVISED:

Farrell Area School District

216. STUDENT RECORDS

1. Purpose

SC 1402(b)
 1532
 1533

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.

SC 1409

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 record keeping shall be the educational welfare and advancement of the pupil.

2. Authority

Title 22
 Sec. 12.33
 P.L. 93-380
 34 CFR 99

The Board of School Directors has primary responsibility in this district for the compilation, maintenance, access to and security of pupil records. Only records mandated by the Commonwealth or federal government or specifically permitted by this Board may be compiled by the staff.

3. Definition

P.L. 93-380
 34 CFR 99
 Title 22
 Sec. 12.32

Directory Information: the term may include a student's name, address, date and place of birth, major field of study, grades, rank, participation in recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, and other similar information.

Education Records: refers to those records which are directly related to a student and are maintained by the school or by a party acting for the school. This excludes memory aids which are in the sole possession of the maker and not accessible or revealed to any other individual but a substitute. Also excluded are records which contain only information relating to the accomplishments of the alumni.

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Disclosures: communication of information from education records of the student orally, in writing, or by any other means to any party.

Student: includes any individual with respect to whom an educational agency or institution maintains education records.

Pol. 235

Eligible Student: means a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. When a student has attained eligible student status, the rights accorded to and the consent required of the parent shall thereafter only be accorded to and required of the eligible student. In cases where an eligible student is dependent upon the parent as defined in the Internal Revenue Code, the school will make the education records available to the parent of said student.

Pol. 216.1

Exceptional School-Aged-Persons: those students identified as exceptional will be guided by a separate local policy in accord with school code 341.61 - 341.70.

Parent: includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The school presumes that either parent of the student has 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 the divorce, separation, or custody providing to the contrary.

School Officials: refers to administrators, teachers, and support personnel who have a legitimate educational interest and are directly responsible for the instruction of the health and safety of students while in attendance at school.

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

Collection

- A. No information should be collected from students without the prior informed consent of the child and the parents or legal guardian.



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B. Such consent may be given either individually or through the parents' legally elected or appointed representatives (for example, the Board of Education), depending on the nature of the information to be collected.

1. Informed individual consent is a requirement before information, other than that required for pupil identification, concerning a pupil's family is obtained, or before any information not directly relevant for educational purposes is solicited from the pupil, parents, or legal guardian.
2. Informed representational consent ordinarily will be sufficient in situations involving aptitude, mental ability, achievement testing, and reporting of skill and knowledge outcomes in the subject matter areas now within the customary curricula of the schools.
3. In all situations where individual consent is to be obtained, it should be in writing. The student's consent also should be obtained when s/he is reasonably competent to understand the nature and consequences of decisions.
4. In situations in which representational consent is sufficient, students and their parents or legal guardian should be informed in advance, perhaps annually or biannually, of the purposes and reasonable opportunities by the representational agency to contest the necessity or desirability of particular data collection processes, or proposed use of such data.

C. In cases where special problems are presented by data gathering in individual situations such as interviews, diagnostic tests by the school counselor, social worker, nurse, psychologist, school principal, etc., the professional should inform the student as fully as possible, consistent with professional responsibility and the capacity of the student to understand the implications of the situation, about the data that is likely to be



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obtained and should stress the voluntary character of the student's participation. Where reasonable doubt exists about the capacity of the student to understand the implications of the situation, the professional should seek parental consent.

D. Where data are to be collected for nonschool purposes, either by school personnel or outsiders, as in the case where it is proposed that the student population be used as subjects in medical or social science research studies, the student's consent must be given and prior informed consent must be obtained from the Board.

E. In cases where data are collected under conditions of anonymity, informed consent must be given by the Board; and the students, parents, or legal guardian must be notified that the students' participation in any aspect of such data collection is entirely voluntary.

Careful reviews of the instruments and the procedures to be used for any such data collections are necessary to determine whether the methods and/or inquiries constitute a significant potential invasion of privacy, even though the data are to be collected under conditions of anonymity.

F. Parents and eligible students will be notified annually of the policies and procedures of the school regarding student education records, the data collected through representational consent, the conditions for disclosure of information, access rights of parents or eligible students to education records, and notice that the pupil records policy may be obtained in the Guidance Coordinator's office or the Superintendent's office.

G. The rights accorded to the consent required of the parent of the student under this policy shall thereafter only be accorded # and required of the eligible student.

H. Parents or eligible students who wish to file complaints with regard to compliance of this policy may do so by contacting the district Superintendent. If further appeal is necessary, the

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parent or eligible student may contact the Family Educational Rights and Privacy Act Office, Room 4074, Switzer Building, Department of Education, 330 C Street SW, Washington, DC 20202.

Classification and Maintenance

P.L. 93-380
34 CFR 99
Title 22
Sec. 12.32

Title 22
Sec. 12.33

- A. Category "A" Data - includes directory information. These records will be maintained one hundred (100) years.
- B. Category "B" Data - includes verified information of clear importance but not absolutely necessary to the school, over a period of time, in helping the child or in protecting others. Specifically, scores on standardized data, school psychologist records, family background information, systematically gathered teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns are included in this category. Great care will be exercised by the school to ensure the accuracy of Category "B" Data. In particular, reported behavior patterns and specified incidents will be unambiguously described and clearly certified. Serious consideration will be given to the elimination of unnecessary Category "B" Data at periodic intervals. These records will be destroyed, or else retained under conditions of anonymity (for research purposes) when the student leaves school. Exceptions will be made where, under rigorous standards and impartial judgement, good cause for their retention can be shown.
- C. Category "C" Data - includes information that may be useful as legal or clinical findings, personality test results, or unevaluated reports by teachers.
- D. Confidential, Personal, Files of Professionals in the School (school psychologist, social workers, counselors, etc.) - Professionals working in the school 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 previous rules in addition to those dictated by professional ethics, subject to the terms of the



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employment contract between the school and the professional and any special agreements made between the professional and individual parents or legal guardians and/or between students. ACT 287 Section 1319 of the School Code takes precedence over this section.

Security

- A. The guidance coordinator will be responsible for maintenance of and access to student records and for educating the staff about the maintenance and access policies.
- B. The supervisor shall develop and maintain a chart listing the location of student records and the persons responsible for the maintenance, protection, and use of records.
- C. The persons responsible for maintenance, protection, and use of records shall be the high school principal, the middle school principal, and the elementary principal.
- D. Records will be kept under lock.

Dissemination

- A. The school is often asked to transmit student information to other agencies, institutions, and even individuals. Such requests come from schools, colleges, employers, courts, police, social agencies, and sundry others. Since conveyance of records removes the data from control of the school, more stringent precautions are required to protect the rights of the student against infringement of privacy, misinterpretation of data, and inappropriate use.
- B. The school may, without the consent of the parents or eligible students, disclose a student's education record to:
 - 1. Other school officials who have been determined to have legitimate educational interests.

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2. Representatives of the U.S. Comptroller General, Secretary of Education, the Commissioner, the Director of N.I.E., the Assistant Secretary of Education, or state educational authorities.
3. Officials of another school or school system in which the student seeks to enroll, provided parents have been made aware of their right to receive a copy and have an opportunity to challenge the record's content. Annual notice, prior to the beginning of the school year, shall be given to parents regarding their rights in cases of transfer of record without consent.
4. Appropriate authorities in an emergency situation in which the health, safety, or welfare of the student is in jeopardy.
5. State and local officials or authorities to whom information is specifically required to be reported in accord with state statute.
6. Parents of a dependent student as defined in section 152 of the Internal Revenue Code.
7. To comply with a judicial order or lawfully issued subpoena, provided the school makes a reasonable effort to notify the parent in advance of compliance.

C. Where parental and/or student permission is required for the release of school records, procedures for obtaining this permission should take into account the distinction made in the kinds of data contained in a student's record file, as follows:

1. Routine, nonspecific (with respect to information to be released) consent applies only to Category "A", Data.
2. Additional, separate, and specific (with respect to information to be released) permission should be required for the release of any data in Category "B".
3. Under no conditions, except as stated in B:1-7, should the school release information in Category "C".



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4. Under no conditions, except as stated in B:1-7, should the school release information gathered by any nonschool agency but included in the school record, with the exception of birth date. This would include, for example, the report of a caseworker concerning conditions in the pupil's home, etc.

D. Each matter of request for consent must be handled separately; for example, blanket permissions for release of data within an extended period of time may not be solicited since they, by definition, do not provide an opportunity for informed consent.

The school may comply with parental requests for the release of information to other persons or agencies, unless the student is an eligible student.

The school will not divulge to any persons, other than those listed in B:1-5 any information contained in the school records except:

1. With written consent from the parent or eligible student specifying records to be released, to whom, for what purpose, and with a copy of the records to be released to the parents or eligible student if not requested.
2. In compliance with judicial order or a lawfully issued subpoena, the school will make a reasonable attempt to notify the parent or eligible student in advance of compliance with the order or subpoena.
3. Directory information may be disclosed for purposes beneficial to the student of the school district only with the approval of the district Superintendent or a designee.
4. The parent or eligible student has the right to refuse the disclosure of directory information by giving the school written notice within twenty (20) days of publication of the notice. Parents shall be given public notice relative to this right at the beginning of the school year.

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E. Either a child, the parents or guardian, or their legal representative may have access to the official administrative record (Category "A"). Parents, eligible student, or legal guardians may have access to (Category "B"). Students may have access to Category "B" Data with parental permission.

1. The parent or eligible student shall be permitted to inspect and review the education record of the student within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made. Requests should be directed to the building principal who will arrange a meeting at a mutually agreeable time. Copies of the records will be provided to the parent or eligible student upon request at a fee not to exceed duplicating costs. At parental request, a professional employee will be available to explain items in the record. The types and locations of the records maintained by the school and designated personnel responsible for records throughout the district's various school buildings are as follows:

ELEMENTARY SCHOOL/MIDDLE SCHOOL

<u>Records</u>	<u>Location</u>	<u>Responsible Professional</u>
Attendance	Principal's Office	Principal
Health	Principal's Office	Nurse
Education Records	Principal's Office	Principal
Discipline	Principal's Office	Principal
Psychological Records	Psychologist's Office	Psychologist



MIDDLE SCHOOL/HIGH SCHOOL

Attendance	Principal's Office Office	Principal/Attendance Officer
Health	Medical Suite	Nurse
Education Records	Principal's Office	Guidance Counselor
Discipline	Principal's Office	Principal
Psychological Records	Guidance Office	Psychologist

HEAD START

All Records	Head Start Direc- tor's Office	Head Start Director
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DAY CARE

All Records	Day Care Direc- tor's Office	Day Care Director
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2. All pre-school records will conform to these regulations.

3. The school will maintain a record of requests and disclosures of information from the student's education records to all parties who have obtained access to the student's record with the exception of parents, students, and other school officials who have legitimate educational interests. This record which indicates the legitimate interest the parties have in obtaining information from the student's record, may be inspected by the parent of the student or eligible student.

F. The school may provide anonymous data from its records for outside research purposes without consent under conditions where likelihood of identifying an individual because of unique characteristics is negligible.

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The school district often faces instances in which governmental agencies, local, state, and federal, mandate the release of information on individuals. The principle of informed consent should apply in all cases, except those involving school responsibilities under existing child abuse or neglect statutes. Governmental agencies, in mandating the provision of information, should abide by the recommendations herein contained to assure the rights of privacy. Where identification of individuals is nevertheless legally required, with or without consent, it is recommended that written protest be made by the local educational agency to the requesting agency, that parents or legal guardians be informed of the specific information which has been provided, and that legislative redress be sought.

Challenge Procedures

34 CFR
99.20

- A. The parent of a student or eligible student who believes that information in the student's record is inaccurate, misleading, or violates the privacy of other rights of the student may request that the building principal responsible for the maintenance of the records amends them.
- B. The principal shall decide whether to amend the records of the student in accordance with the request within fifteen (15) days of the receipt of the request. If the principal decides to amend the record, s/he shall effect the change immediately and inform the parent accordingly. If the principal decides not to amend the record in accordance with the request, s/he shall so inform the parent or eligible student of the right to a hearing.
- C. The school will, upon written request, provide the parent or eligible student with a hearing to be conducted according to the provisions stipulated below. If the parent 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. That explanation shall be maintained with the record and released if the contested portion of the record is disclosed to any parties by the school.

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- D. In order to comply with a parental request for a hearing, the school will adhere to the following procedures:
1. The hearing shall be held within thirty (30) days of receiving the written request. The parent 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 or a designee who does not have a direct interest in the outcome.
 3. The parent or the eligible student may be represented by counsel at his/her own expense and will be afforded a full and fair opportunity to present evidence.
 4. Within thirty (30) days after the conclusion of the hearing, the school will make its decision based solely on the evidence presented at the hearing, including a summary of the evidence and reasons for the decision.

Confidential Information

Definition

1. Special psychological reports
2. Individual testing reports
3. Grades and achievement reports
4. Discipline records
5. Personal data

All confidential materials shall be kept in the school office designated by the principal, who is responsible for their confidentiality.

Collection

In collecting appraisal information, the counselor can justify an invasion of another's privacy only if the information will be used by the school in a way that is helpful to the student.

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When such information is secured, the counselor shall make certain the student is aware of the purposes for which the information is used.

Where specific requests for confidentiality are made by a student's legal parent or guardian, these requests should be honored, except in a dire emergency such as "danger to life." All other information revealed in the course of a counseling relationship is considered confidential, and the counselor shall reveal such information to other professional workers in the school only when there is a specific reason for doing so and where the purpose is clearly to help the student. S/He shall exercise judgment in determining the extent to which s/he is able to communicate to others a feeling for the student without revealing specifics.

Dissemination

When the student transfers from one school to another, whether within or outside of the district, the principal or the guidance counselor assumes responsibility for the confidentiality of the student's records.

Exceptional Pupils

The same regulations for confidentiality of student records shall apply to student records of exceptional pupils also.

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