



The term does not include:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of the law enforcement unit of an educational agency or institution.
3. Records relating to an individual who is employed by an educational agency or institution, that:
  - a. Are made and maintained in the normal course of business;
  - b. Relate exclusively to the individual in that individual's capacity as an employee; and
  - c. Are not available for use for any other purpose.
4. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records.
5. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
6. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
7. Grades on peer-graded papers before they are collected and recorded by a teacher.

**Educational Agency**– A school district or intermediate unit and any component part thereof which collects, maintains, or uses an exceptional student's education records containing personally identifiable information or from which such records of information is obtained.

An approved private school and any components thereof which, with regard to an exceptional student who is enrolled or has been enrolled in the approved private school as an approved placement student according to the provisions of the Public School Code and regulations, standards and guidelines there to, collects, maintains, or uses the exceptional student's education records containing personally

identifiable information or from which such records or information is obtained.

The Department and any component thereof, to the extent that the Department collects, maintains, or uses an exceptional student's education records containing identifiable information or releases such records or information.

**Eligible Student** – shall mean a student who has attained eighteen (18) years of age. For the purpose of this policy, whenever a student has attained eighteen (18) years of age, the rights accorded to and the consent required of the parent and the student shall thereafter only be accorded to and required of the eligible student.

**Parent** – shall include a parent, a guardian, or individual acting as a parent of a student in absence of a parent or guardian. The school district presumes the parent or guardian has the authority to exercise the rights inherent in this policy unless the school district has been provided with evidence that there is a state law or court order governing such matters as divorce, separation, or custody or a legally binding instrument that provides to the contrary. The term does not include an agency of the state if the student or young child is a ward of the state.

**Personally Identifiable Information** – shall mean information that includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student number, or biometric record;
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

**Release** – the giving of access or the transfer, disclosure, or communication of the student's education records, in whole or in part, which contain personally identifiable information to any party by any means.

**Student**– any exceptional school-aged person or preschool student with respect to whom an educational agency maintains educational

3. Guidelines

records.

**Protection of Confidentiality:**

The school district shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages of that information.

**Parent Access Rights:**

The Wilson Area School District, upon request of a parent, will permit the parent to inspect, review, or copy any educational record relating to the exceptional child or children of that parent when such record is collected, maintained, or used by the district. The Wilson Area School District will comply with the request within thirty (30) days after receiving request and prior to a conference regarding an IEP or prior to a hearing relating to identification, evaluation, or placement of the child.

This right to inspect, review, or copy education records includes:

1. The right of a parent to request and receive from the district a reasonable explanation of information contained in the educational records of his/her child.
2. The right of the parent to be provided on request, a copy of all or part of the education records of the child.
3. The right of the parent to designate a representative who will inspect, review, or copy the records.

If a parent requests copies of records from the district, the district may charge a reasonable cost which is not to exceed the actual cost of making copies requested. No costs will be charged to a parent which would prevent the parent from inspecting or reviewing the records. No cost will be charged to a parent for the search or retrieval of records.

For verification and record-keeping purposes, the district may require all parents/guardians to put into writing:

1. Request to inspect, review, copy or receive copies of records.
2. Designations of a representative.
3. Requests for a list.

If any educational record includes information on more than one (1) child, the parents/guardians of those children will have the right to inspect or review information relating to their child or be informed of that specific information.

A parent will have the right to copy from or receive a copy of an education record originally containing information on more than one child. Prior to the parent copying or receiving a copy of a record on

more than one child, the district will delete, remove, or obscure from the records or copies all personally identifiable information concerning any child who is not the child of such parent.

**Student Access Rights:**

When a student has attained the age of eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to the consent required of the parent of the student shall thereafter only be accorded to and required of that student.

**Record Access and Maintenance:**

The Wilson Area School District will keep a record of parties who have obtained access to those educational records of a student that are used by the district. The access record will include the name of the party, the date access was given, and the purpose for which the party is allowed to use the records.

A parent shall have the right to inspect the access record kept for the educational records of his/her child.

A record of either the authorized employees of the district or the student's parents/guardians who have gained access to the educational records of a student is not required.

The district will maintain for public inspection a current list of positions of those agencies and employees of the district who are authorized by the district to have access to personally identifiable information. Those agents/employees include: psychologists, Supervisor of Special Education, principals, guidance counselors, nurses, classroom teachers and consultants employed or contracted by the district in reference to specific cases.

The Supervisor of Special Education will be responsible for ensuring that the educational records' confidentiality policies and procedures established under PA Code (relating to confidentiality of educational records of exceptional students) are enforced and administered. This official shall:

1. Notify parents/guardians annually of the policies/procedures of the district concerning student educational records and the rights of parents/guardians under both Pennsylvania and federal law concerning the confidentiality of educational records of exceptional students.
2. Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release and destruction.

3. Provide training/instruction in the implementation of federal, Pennsylvania and local record policy requirements for all district personnel who collect or use personally identifiable information.
4. Maintain for public inspection the list described above.
5. If the district reports a crime committed by a student with a disability, the district assures that copies of the special education and disciplinary records of the student are transmitted properly and only to the extents that the transmission is permitted by the Family Educational Rights and Privacy Act – FERPA (34CFR).

**Release of Information:**

Written parental consent is to be obtained by the district before educational records or personally identifiable information within is released by the district to any party unless:

1. Such release is authorized by federal law.
2. Information released is directory information.
3. The agency requesting the record is a district in which the student is or seeks to be enrolled.

If parental consent is required for release of information, prior to requesting consent the district shall provide the parent with a concise, written explanation which includes a general description of information/records to be released, the form, the reason for requesting, the party/agency requesting the release, to whom the release is to be made.

If a district in which the student is or seeks to be enrolled requests the district release information from the record of the student, the district shall comply with the request within seven (7) days of receipt of request.

**Directory Information:**

The district may, without parental consent, release information from the educational records of a student no longer enrolled in the district if the information is directory information.

Personally identifiable information may be included in the information which is released so long as the personally identifiable information falls within the categories included in the definition of directory information.

If a child re-enrolls in the district as a student, any further release of directory information by the district shall be accomplished in accordance with the provisions regarding release of information

designated as directory information concerning present students.

The district may, without parental consent, release personally identifiable information from the educational records of a student who is enrolled in the district if that information has been designated as directory information under the procedures stated.

In designating directory information, the district will give public notice of:

1. The categories of personally identifiable information which the district has designated as directory information.
2. The right of the student's parent to refuse to permit the designation of any/all the categories of personally identifiable information of the student as directory information.
3. The fact that the parent may prevent the release by the district of personally identifiable information designated as directory information. If within thirty (30) days of the public notice the parent informs the district in writing that such personally identifiable information is not to be designated as directory information with respect to his/her child.
4. This publication of public notice may be accomplished by mailing the notice to the parent.

**Dual Enrollment:**

For the purposes of this policy, a resident student enrolled in an approved private school shall be considered also to be enrolled in the district.

**Parent/Guardian Request(s) for Amendment(s) of Record(s) and Right to Challenge:**

A parent who believes that information in educational records collected, maintained, or used under district policy concerning such records is inaccurate, misleading, or violates the privacy or other rights of his/her child may request the district to amend the information.

The district may require that any parental request for amendment of the record of a student be made in writing and contain a brief statement specifying the records and reason for which amendment is requested. The district shall decide whether to amend the student record within forty-five (45) days after receipt of the parental request.

If the district's decision results in a refusal to amend the information in accordance with the request by the parent, the district will inform the parent in writing of both the refusal and the reasons for refusal. Written notification will be sent to the parent concerning his/her right to request/receive a hearing as indicated in the next paragraph.

Concerning parental request, the district will provide the parent with opportunity for a hearing to challenge the information in the educational records if the parent alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

The hearing will be conducted according to the following provisions:

1. Hearing will be held at a mutually agreed upon time and place within thirty (30) days after the district receives request for a hearing from the parent.
2. Parent will be notified in writing of the date, place, and time of hearing, no later than ten (10) days in advance.
3. Hearing will be conducted by a party who does not have a direct interest in the hearing's outcome.
4. Party conducting the hearing may be an official of an LEA.
5. Parent will be afforded a full and fair opportunity to present evidence relevant to the issues.
6. Parent may be assisted/represented at the hearing by persons of his/her choice at own expense. Such persons may include legal counsel.

The hearing officer will render a written decision on the issues presented at the hearing within ten (10) days. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence with reasons for the decision.

If as a result of the hearing the district decides the information is inaccurate, misleading or otherwise, in violation of the privacy/other rights of students, it will amend the records accordingly and so inform the parent in writing.

If, as a result of the hearing, the district decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of student, it will inform the parent of his/her right to place in the record of the student a statement which sets forth the written comments of the parent upon the information in the educational records, or reasons for disagreeing with the decision of the district, or both written comments/reasons.

The parental statement will be appended by the district to the educational records so long as the record/contested portion is maintained by the district.

The parent and the district may by mutual agreement meet prior to a parental request for hearing or the hearing itself in order to discuss the concerns of the parent concerning the accuracy/inaccuracy of the student records.



**Destruction:**

The district will inform the parents/guardians when personally identifiable information in the child's records is no longer relevant or necessary for the provision of educational services to the student.

Upon request of parents/guardians, information no longer necessary for the provision of educational services for the student must be destroyed by the district. However, a written record of student's name, address, phone number, grades, attendance records, classes attended, grade level and year completed must be maintained in perpetuity.

The district is not required in any other circumstances to destroy education records.

Prior to the destruction of the information the district shall send written notification to the parents/guardians and/ or eligible student, informing them of their right to receive a copy of the material to be destroyed.

The district shall not destroy educational records containing information necessary for the education of a student who is/or has been enrolled in an educational program operated by the Wilson Area School District.

**References:**

School Code – 24 P.S. Sec. 1305-A, 1306-A, 1402, 1409, 1532, 1533

State Board of Education Regulations – 22 PA Code Sec. 4.52, 12.31, 12.32, 15.9

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Individuals with Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99

Individuals with Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 1261