

SECTION: PUPILS

TITLE: CONFIDENTIALITY OF
EDUCATIONAL RECORDS
OF EXCEPTIONAL
STUDENTS

ADOPTED: 12/04/96

REVISED:

WILSON AREA SCHOOL DISTRICT

CONFIDENTIALITY OF EDUCATIONAL RECORDS OF EXCEPTIONAL STUDENTS

1. Authority

The Pennsylvania Department of Education requires local education agencies, including Intermediate Units, to develop and adopt a policy on confidentiality for exceptional school-age students. The policy adopted by the School Board shall be in keeping with Pennsylvania standards for special education as presented in Annex A - Title 22 - Part 16 Chapter 341: Standards for Special Education Section 341.61 - "Confidentiality of Education Records of Exceptional Students."

This policy will be included as part of the Wilson Area School District's procedure on "Collection, Classification, Maintenance and Dissemination of Pupil Records." Adoption of this policy shall protect the confidentiality of personally identifiable information while in the collection, storage, disclosure and destruction stages of that information.

2. Definitions

The following words and phrases shall have, unless the context indicates otherwise, the following meanings:

Destruction - the physical destruction or permanent removal of personally 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: student name; address; telephone number; date of birth; place of birth; participation in school clubs, activities, sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent previous

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educational institution or agency attended by
the student; and other similar data.

Education Records - educational records of an
exceptional student, such as:

Who receives or has received special educa-
tion and related services from a school
district or an intermediate unit.

Who is enrolled or has been enrolled in an
approved private school for exceptional
students.

Who is enrolled or has been enrolled in a
special education program operated by the
Department of Education.

Who is enrolled or has been enrolled in the
Scranton School for the Deaf.

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 or information is obtained.

An approved private school and any compo-
nents 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 thereto, 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.

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The Scranton State School for the Deaf and any components thereof to the extent that Scranton State School for the Deaf collects, maintains, or uses an exceptional student's education records containing personally identifiable information or releases such records or information.

Personally Identifiable -

The name of a student or the name of any of the student's family members.

The address of the student.

A personally identifying piece of information such as the student's telephone number or Social Security number.

A list of those personal characteristics which would make the student's identity easily traceable by a person who is not already familiar with the student's identity.

Other information which would make the student's identity easily traceable.

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 pupil with respect to whom an educational agency maintains educational records.

Parents - a natural or adoptive parent or parents, a guardian or guardians, one or more persons acting as the parent or parents of a student or young child or a school district-appointed surrogate parent or parents. The term does not include an agency of the State if the student or young child is a ward of the state.

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3. Guidelines

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 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.



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If any educational record includes information on more than one child, the parents 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 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 the student.

Access Record

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 employes of the district or the student's parents 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 employes of the district who are authorized by the district to have access to personally identifiable information. Those agents/employes include: psychologists, Coordinator of Special Education, principals, guidance counselors, nurses, classroom teachers and consultants employed or contracted by the district in reference to specific cases.

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The Coordinator of Special Education will be responsible for ensuring that the educational records' confidentiality policies and procedures established under 22 PA Code Chapter 341 - paragraph 341.61(b) of Title 22 - Part XVI, Chapter 341 (relating to confidentiality of educational records of exceptional students) are enforced and administered. This official shall:

1. Notify parents annually of the policies/procedures of the district concerning student educational records and the rights of parents 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.

Destruction

The district will inform the parents 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, 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.

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Prior to the destruction of the information the district shall send written notification to the parents 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.

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 20 USC paragraph 1232g-1231i (1970) & 45 CFR part 99 (1976).
2. Information released is directory information, and the release is made under the conditions specified in 22 PA Code, Chapter 341, paragraph 341.68, Title 22, part XVI, Chapter 341 (relating to 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.

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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 the 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 of 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. Dual enrollment; for the purposes of this section, a student enrolled under section 1376 of the Public School Code of 1949 (24 P.S. 13.1376) in an approved private school or enrolled in the Scranton State School for the Deaf shall be considered to be also enrolled in his/her school district of residence.
5. This publication of public notice may be accomplished by mailing the notice to the parent.

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Parental Request For Amendment Of Records

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 date, place, and time of hearing, no later than five (5) 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 a LEA.

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- 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 thirty (30) 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 students, 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 maintain by the district.

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

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