

Wilson Area School District

Student Records Policy

I. PURPOSE

The confidentiality of student records is a prime ethical and legal concern of all school district personnel. A student's right to privacy must be protected when information is collected, retained and released. It shall be the policy of the Wilson Area School District Board of Directors that the primary purpose of student record keeping shall be the educational welfare and advancement of the student and that student records shall be adequately safeguarded and disseminated only within the established procedures (School Code 1402(B), 1532, 1533).

II. AUTHORITY

The Board of School Directors has primary responsibility for the compilation, maintenance, access to, and security of student records. The staff may compile only records mandated by the Commonwealth or federal government or specifically permitted by the Board.

III. DEFINITION

The following terms used in this policy are defined as follows:

Eligible Student – means a student who has attained eighteen years of age, or is attending an institution of post-secondary education. Even when an individual attains the status of “eligible student” the parent retains parental rights until such time as the student is no longer dependent or reaches an age of 21.

Confidentiality of Student Communications – concerns the oral communication of information of a sensitive or confidential nature by a student to a member of the school staff. Such information is not considered an educational record for purposes of this policy or within the provisions of federal law governing student records such as the Family Educational Rights and Privacy Act (FERPA). Professional ethics and certain state laws such as Act 287 of 1972 govern the management of such information.

Destruction – means the physical destruction or permanent removal of personally identifying data from the education records of a student so that the information is no longer personally identifiable. (Also referred to as “**Purging**”).

Directory information is:

Information not generally considered harmful or an invasion of privacy if disclosed. This includes, but is not limited to:

1. Name, address and telephone listing
2. Field of study

3. Weight and height of athletes
4. Previous school most recently attended
5. Photographs
6. Date and place of birth
7. Participation in officially recognized activities and sports
8. Dates of attendance, degree and awards
9. Primary language

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

Educational Institution – Educational Agency – means any public or private agency or institution, which is the recipient of funds under any federal program.

Educational Records – means those records which:

- Are directly related to a student, and
- Are maintained by the School District or any party acting for the District

The term does not include:

- Records which are made by professional school personnel and which are kept in their sole possession
- Employment records of employees made and maintained in the normal course of business
- Records, such as follow-up studies, which contain information concerning persons who are no longer students in the school district.

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

Parent – includes both natural parents, a guardian, or an individual acting as a parent of the 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 educational records of the student unless the school has been provided with evidence that there exists a legally binding instrument, state law or court order governing a divorce, separation or custody, which stipulates to the contrary.

Personally Identifiable – means that the data or information includes, but is not limited to (a) the name of a student, the student's parent/guardian or other family member; (b) the address of the student or the student's family; (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, which would make the student's identity easily traceable.

Record – means any information maintained in any way, including, but not limited to:

1. handwriting
2. print
3. film
4. computer media
5. video or audio tape
6. microfilm or microfiche

Representational Consent – as the legally elected or appointed representatives of the parents/guardians of a school district, the Board of School Directors may collectively as a body grant approval (representational consent) to such programs, processes, and procedures as are considered to be the valid, legal, and expected function on any responsible educational agency. The consent decisions of the representational agency are (subject to higher authority or judicial review) binding on all students and parents/guardians whether or not they might individually have consented.

IV. COLLECTION OF STUDENT INFORMATION

Student information collected by the educational agency or institution for record purposes no longer needs to be classified according to category. This change in federal legislation (specifically FERPA) is intended to confirm the right of parents to access all records other than those considered to be a staff member's personal records.

Typical data collected by school entities for inclusion within student records, include the following:

- A. Official administrative records that constitute the minimum personal data necessary for operation of the educational system, such as:
 1. Student number, name, address, telephone number, birth date, gender, ethnic origin, dates of entry and withdrawal, academic grades, class rank, picture and attendance data.
 2. First, middle and last name and emergency telephone number of the parents/guardians.
 3. Group administered, standardized achievement test scores and kindergarten screenings.
 4. Record of awards, letters of commendation received, and student participation in school activities.
- B. Verified information of clear importance that exceeds the minimum personal data necessary for operation of the educational system, such as:

1. Individually administered standardized intelligence and aptitude test scores.
 2. Interest inventory results.
 3. Health records.
 4. Family background information.
 5. Systematically gathered teacher or counselor ratings and classroom observations.
 6. Act 26 information, certified discipline record, parent statement.
 7. Verified reports of recurrent behavior problems.
 8. Teacher reports on achievement.
 9. Chapter 15 Service Agreements for protected handicap students.
 10. Instructional Support Team (IST) information.
 11. Certain legal documents such as judicial orders or directives related to custody, restraining orders, and protection from abuse orders.
 12. Special education records, including Permission to Evaluate, Permission to Reevaluate, Invitation to Attend an IEP Meeting or other meeting, IEP's, ER's, psychological reports, in-house psychiatric reports, NOREP's, criterion-referenced and norm-referenced test booklets, report cards, summaries and Penn Data tracking information.
- C. Potentially useful information that has not yet been verified or clearly needed beyond the immediate present. Such data shall be kept separate from the student's cumulative record files. However, this in no way impairs the parent's right of access.
1. Unevaluated reports of teachers, counselors, and others, which may be needed in ongoing investigations and disciplinary or counseling actions.
 2. Mental health or outside agency psychiatric reports. (Except as provided for in specific law or regulation, these records shall be maintained and released under the same procedural guidelines as any other education records).
 - a. Student Assistant Program (**SAP**) information, including all information gained through the SAP process.

3. Other legal or clinical findings, including personality test results, psychiatric reports, psycho-educational reports (other than those for special education and gifted students).
- D. Professional notes maintained by school staff who are directly involved with the student's health, education and welfare for their own use. Such notes might include transcripts of interviews, clinical diagnoses, and other memory aids. Such data are to be considered confidential and treated as such. All such data must be destroyed when their usefulness is no longer apparent or when the student leaves the school system. They cannot be passed on to another person who is permanently employed by the District, such as a counselor to whom the student may be assigned at the next grade level; nor can they be transferred to another school entity to which the student may transfer. Under the law, professional notes are not considered educational records.

V. MAINTENANCE OF STUDENT RECORDS

The School District will provide for the reviewing and updating of student information and will destroy such information when it is no longer educationally relevant.

A. Maintenance Procedures

1. Data as described in Section IV.A will be maintained in individual building files and will be passed on to the next building in progression.
2. Data as described in Section IV.B will be reviewed at the end of each level of education (elementary, middle school, high school) by the assigned staff member(s) (one or more staff shall be identified by the building principal for the purpose of record review) and material that is no longer educationally useful shall be destroyed by shredding under the supervision of the assigned staff member(s). Special education records, Act 26 and Chapter 15 service agreements shall be maintained and will not be destroyed.
 - a. Parents/guardians will be notified of this procedure in the district calendar.
 - b. No notification is required for the destruction of duplicate records maintained by the District.
3. Data as described in Section IV.C will be reviewed at the end of each year and will be destroyed if not verified and/or not needed beyond the immediate present. Data, which is determined still to have educational value, shall be considered to fall under the guidelines set forth for Section IV.B in future years.
4. Records of elementary students who have terminated their attendance with the district during the current school year will be transferred to permanent storage at the central administration office. Records of secondary students who have terminated their attendance with the district

during the current school year will be retained in the appropriate school building for a period of three years and then transferred to permanent storage at the central administration office.

4. All records will be destroyed 99 years past a student's 21st birthday.

B. Procedures for Students Transferring into the District

1. Parents/guardians shall complete the enrollment form, request for records and Act 26.
2. The office secretary will forward the request for records to the former school.
3. The office secretary will forward a copy of the enrollment form to the school counselor.
4. The school counselor will contact the former district to inquire about educational placement needs.

C. Record Storage (See Chart)

<u>Type of Record</u>	<u>Location of Records</u>	<u>Responsibility</u>
Elementary Cumulative folder	Classroom Teacher	Principal
Middle Cumulative folder	School Office	Principal
High School Cumulative folder	Guidance Office	Principal
Act 26	Cumulative Folder	Principal
Custody Orders/PFA's	Cumulative Folder	Principal
Home Language Survey	Cumulative Folder	Principal
Enrollment Form	Cumulative Folder	Principal
Access Log	Cumulative Folder	Principal
Report Cards	Cumulative Folder	Principal
Permanent Record Cards	Cumulative Folder	Principal
Standardized Assessment Results	Cumulative Folder	Principal

<u>Type of Record</u>	<u>Location of Records</u>	<u>Responsibility</u>
Elementary Special Ed Blue Folder and Contents (duplicates)	Special Ed Teacher	Principal
Middle Special Ed Blue Folder and Contents (duplicates)	School Office	Principal
High School Special Ed Blue Folder and Contents (duplicates)	Guidance Office	Principal
Special Education Forms (Originals)	Central Office	Director of Student Serv.
Chapter 15 Service Agreements (duplicates)	Guidance Office	Principal
Chapter 15 Service Agreements (originals)	Central Office	Director of Student Serv.

Discipline Records	School Office	Principal
Health Records	Nurse's Office	Nurse
IST Records	IST Office	IST Teacher
Mental Records/Psychiatric Reports	Central Office	Director of Student Serv.
SAP Information	Guidance Office	SAP Facilitator

D. Content of Cumulative Folders

1. For transfer from elementary to middle school
 - a. Access Log
 - b. Kindergarten Screening Sheet
 - c. Standardized Achievement Test Profile Sheets
 - d. Recommendation for Retention Letters
 - e. Enrollment Form
 - f. Permanent Record Card
 - g. Report Cards
 - h. Home Language Survey
 - i. Act 26 Notarized Letter
 - j. Parent Signature Forms (various)

2. For transfer from middle to high school
 - a. Access Log
 - b. Standardized Achievement Test Profile Sheets
 - c. Recommendation for Retention Letters
 - d. Enrollment Form
 - e. Permanent Record Card
 - f. Report Cards
 - g. Home Language Survey
 - h. Act 26 Notarized Letter
 - i. Parent Signature Forms (various)

3. Not to be included in permanent records for storage
 - a. Discipline and Bus Reports
 - b. Health Records
 - c. Student Assistance Information
 - d. Instructional Support Information
 - e. IEP's
 - f. Service Agreements
 - g. Progress Reports
 - h. All Special Education Records
 - i. Psychological and Psychiatric Reports
 - j. Classroom Reading Tests
 - k. Occupational/Physical Therapy Reports
 - l. Agency Reports
 - m. Custody Papers

VI. PROCEDURES FOR AMENDMENT OF STUDENT'S EDUCATION RECORDS

- A. If a parent/guardian or an eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, or other rights, he/she may ask the District in writing to amend the record. The request will be directed to the Director of Student Services for processing.
- B. The District shall decide whether to amend the record as requested within 45 school days after the District receives the request.
- C. If the District decides not to amend the record as requested, it shall inform the parent/guardian or eligible student in writing of its decision and of his/her right to a hearing.

VII. RIGHTS OF PARENTS/GUARDIANS OR ELIGIBLE STUDENTS TO A HEARING

A parent/guardian of a student or an eligible student has the right to request a hearing to challenge any items contained in the student's education record or the verification of a change of status as described in Section V.A.3. The procedure for a hearing shall be as follows:

- A. A parent/guardian or eligible student desiring a hearing shall send a written request to the Superintendent setting forth the specific items being challenged. The request shall also state the reason for the challenge.
- B. A hearing shall be scheduled no sooner than ten school days nor later than thirty school days after receipt of the request.
- C. A written notification of the date, time and place of the hearing shall be sent by certified mail to the parent/guardian or eligible student at least ten school days prior to the date of the scheduled hearing. The notification shall state that the parent/guardian or eligible student has the right to counsel, to present evidence, and to examine and cross-examine witnesses.
- D. The hearing shall be conducted before a records panel. The records panel shall consist of the Superintendent, (who shall serve as chair), the building principal, and a staff member from the building chosen by the principal. The school solicitor may be present to serve in an advisory capacity if deemed necessary. In the case of a hearing dealing with psychological reports or health reports, the school psychologist or school nurse shall be present in an advisory capacity.
- E. Following the hearing, the records panel shall notify the parent/guardian or eligible student within five school days of the decision/action taken by the panel. If the decision is in favor of the parents/guardians or eligible student, the item(s) in question will be expunged from the records. The parent/guardian or eligible

student will be notified that they have the right to place a statement in the record, when the hearing decision does not favor the parent/guardian or eligible student.

- F. The decision of the records panel shall be based solely upon the evidence presented at the hearing and shall include a written summary of the evidence and the reason for the decision.

VIII. DISCLOSURE OF AND ACCESS TO STUDENT INFORMATION

The School District adheres to a policy of protecting the student and parents/guardians from the release or access to student information to or by unauthorized sources.

- A. All requests for access to student records by parents/guardians or eligible students shall be in writing and directed to the appropriate building principal. All such requests shall be acted upon and access granted within 45 days after receipt of the written request. However, if the child is a special education student, the School District must comply within thirty days of the request.
 - 1. Information described in Section IV.A shall be available for inspection and review by parents/guardians, eligible students or students at a mutually agreeable time. Said review shall be conducted with the assistance of an appropriate staff member.
 - 2. Information described in Section IV.B shall be available for inspection and review by parents/guardians and eligible students. Students shall be granted access only upon obtaining written consent from the parent/guardian. Said review shall be conducted with the assistance of an appropriate staff member.
 - 3. Information described in Section IV.C shall be available for inspection and review only to parents/guardians and eligible students. The individual responsible for the information must be present to interpret it.
- B. The School District may, without consent from parents/guardians or eligible students, share information as described in Sections IV.A and IV.B with the following individuals:
 - 1. School officials having a legitimate need for the information.
 - a. “School Officials” refers to administrators, teachers, resource officers 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.
 - b. “Legitimate Educational Interests” describes a purposeful educational involvement with a student in which there is a direct responsibility for providing instruction or support services.

- c. Other school officials, including teachers, within the district who have a legitimate educational interest, and desire access to a student's educational records, shall be required to sign an access log indicating their name, the date of access, and the purpose for seeking the information. The access log shall be available to parents/guardians and to the school official responsible for record maintenance as a means of auditing the operation of the system.
 2. The state Secretary of Education, Comptroller General of the United States, Secretary of the United States Department of Education or their duly authorized staff.
 3. Officials of other school systems to which a student has transferred or intends to transfer.
 4. Judicial order or orders of administrative agencies that have the power of subpoena. Parents/guardians and or eligible students shall be notified of all such orders and of the District's compliance.
 5. State and local officials or authorities to which information is specifically required to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974 (effective date of FERPA regulations).
 6. Appropriate authorities in an emergency situation in which the health, safety or welfare of the student is in jeopardy.
- C. Data as described in Section IV.C shall not be released to any individuals or agencies other than school officials without consent from the parents/guardians or eligible students or by judicial order or subpoena.
- D. The School District will not divulge, in any manner, any information to any person other than the parents/guardians, students, and those listed in Section VIII.B without receiving written consent from the student's parents/guardian or the eligible student. Said consent shall be dated, signed, and shall specify the records to be released.
- E. The District reserves the right to charge a reasonable per page fee for copies of records requested by parents/guardians or eligible students. This fee is currently set at \$0.25 pr page and may be adjusted by decision of the School Board.

IX. RIGHT OF CONSENT

For the purposes of procedures dealing with student records whenever a student is emancipated or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to the parents/guardians of that student shall thereafter be required of and accorded to that student.

X. DELEGATION OF RESPONSIBILITY

It shall be the Superintendent's or his/her designee's responsibility to administer the Student Record Policy. He shall direct the building principals to carry out each provision of the procedures and to review the procedures with personnel who have access to records, including both professional and support staff. In these meetings, emphasis will be placed upon security and privacy rights of students and parents/guardians.

XI. ANNUAL NOTIFICATION OF RIGHTS

The School District shall give parents/guardians of students in attendance or eligible students in attendance annual notice by means of the District's annual calendar to inform them of the following:

- A. Their rights under the Family Educational Rights and Privacy Act of 1974 and rights contained in the District Record Policy, which is available at the District Administration Office.
- B. The right to file complaints concerning alleged failures of the District to comply with the requirements of the Family Educational Rights and Privacy Act of 1974. Such complaints should be directed to the Department of Education's Office of Records Policy Compliance in Washington, D.C.
- C. The School District shall provide the means to effectively notify parents/guardians of students identified as having a language other than English, or is hearing or visually impaired.