

STUDENT RECORDS
RELEASE OF INFORMATION ON STUDENTS
AND ANNUAL NOTIFICATION OF RIGHTS

Background

The Mt. Lebanon School District believes that student files should contain only information which is necessary for the effective performance of designated educational functions or is required by law. Information from student files should be released only under controlled circumstances and only when the release will benefit the student, his or her family or professional research or when required by law.

Mt. Lebanon School District receives requests from various organizations from time to time for lists of student names for various reasons, including commercial and marketing purposes. Except where such disclosure is required by law or is determined to be beneficial to students, these requests generally should be denied.

The No Child Left Behind Act of 2001, the USA Patriot Act of 2001, and the National Defense Authorization Act for Fiscal Year 2002 altered some provisions of both the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Act (PPRA). These changes provide parents with more privacy rights regarding surveys of students, the collection of information from students for marketing purposes, and some non-emergency medical examinations. FERPA is the federal law protecting the privacy of student education records and parents' access rights to those records. Generally, education agencies and institutions that receive federal funds cannot disclose personally identifiable information from a student's education record without parental consent. PPRA requires schools to obtain parents' written consent before administering federally funded surveys that might reveal certain private information about the student. A school must provide to parents an annual notice of the types of student directory information that is released publicly. No Child Left Behind also requires notification that certain directory information is provided to military recruiters unless parents exercise the option to opt out. A single notice is sufficient to meet both requirements. Directory information notice requirements are not as stringent as are those for PPRA notices: PPRA notices must be "direct" mailed or otherwise provided directly to all parents.

Objective

The objective of this policy is to protect the students' rights to privacy and to protect both students and their families from exploitation by commercial and organizational interests. It is also the objective of this policy to assure that the welfare of each individual student, the maintenance of information for the effective performance of designated educational functions and compliance with applicable laws are the only criteria used in collecting, maintaining, and releasing information held in student files. Additionally, it is an objective of this policy to comply with applicable law and to identify and outline the process by which parents/guardians

are notified of their rights under FERPA and PPRA, and also to address specific privacy issues as related to the NCLB requirements.

Definitions

1. Category A Data (Pennsylvania Regulations) - shall consist of those semi-confidential official administrative records that constitute the minimum personal data necessary for the operation of the school system which includes, but is not limited to, identifying data [such as names and addresses of students and their parent(s) and/or guardian(s)], birth date, academic work completed, level of achievement (grades, standardized achievement test scores) and attendance data.
2. Category B Data (Pennsylvania Regulations) - shall consist of those confidential records consisting of verified information of clear importance, but not absolutely necessary to the school, to help the student or protect others. Category B information includes, but is not limited to, scores on standardized intelligence and aptitude tests, interests inventory results, health data, family background information, systematically gathered counselor ratings and observations and verified reports of serious or recurrent behavior patterns.
3. Category C Data (Pennsylvania Regulations) - shall consist of confidential information which is potentially useful, but not yet verified or clearly needed beyond the immediate present. Category C data includes, but is not limited to, legal or clinical findings including certain personality test results and unevaluated reports of teachers, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions.
4. Education records include:
 - a. Date and place of birth, parent(s) and /or guardian addresses, and where parents can be contacted in emergencies;
 - b. Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
 - c. Special education records;
 - d. Disciplinary records;
 - e. Medical and health records that the school creates or collects and maintains;
 - f. Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned; and
 - g. Personally identifiable information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.
5. The following are not considered education records under FERPA:
 - a. Personal notes made by teachers and other school officials that are not shared with others;

- b. Law enforcement records created and maintained by a school's or a district's law enforcement unit specifically for law enforcement purposes (as distinct from student disciplinary and other non-law enforcement purposes);
- c. Records on students 18 years of age or older that are made or maintained by a medical or other recognized professional or paraprofessional acting in his or her professional capacity, as long as the records are used only in connection with the treatment of the student and are disclosed only to treatment providers (for these purposes, "treatment" does not include activities that are part of the school's program of instruction);
- d. Directory Information is the part of a student's education record, including personal information about the student that can be made public without specific consent of the parent or eligible student. Directory information may include:
 - i. Student's name and other information typically found in school yearbooks or athletic programs
 - ii. Names and pictures of participants in various extra curricular activities or recipients of awards
 - iii. Grade level
 - iv. Pictures of students
 - v. Height and weight of athletes

Policy

1. Only that information about students which is considered essential in accomplishing the educational objectives of our schools and in promoting the welfare of our students or which is required by applicable law shall be collected and maintained under the supervision of the professional staff. No confidential information about the student or family intended to be held in a student's permanent folder shall be included without the prior knowledge of the student, a parent or guardian.

The following material is considered essential in accomplishing the educational objectives of our schools and should become part of the student's records:

- a. Teacher ratings of student's progress in the curriculum as required by law.
 - b. Scores of achievement and aptitude tests (standardized and informal).
 - c. Reports of assessments and evaluations by properly certified school psychologists, psychiatrists, medical personnel or social workers as authorized by the written consent of a parent, legal guardian or the student who has reached legal majority.
 - d. Disciplinary records and/or other records which must be maintained by the District under applicable law.
2. Student records shall be maintained in a secure manner by professional personnel as designated by written administrative procedures implementing this policy.
 3. Information may be released from student files as follows:

- a. The District may release information contained in a student's permanent record file, including Category A and B Data as defined above, to:
 - i. Parents, legal guardians, surrogate parents (as defined by the Pennsylvania Department of Education) or students, upon written request of such parent(s) or guardian(s). Upon request, the principal or his or her designee shall interpret the information in the permanent folder. If parents have been legally separated or divorced, either or both may review the records of the student who has not reached legal majority provided there is not a court decisions to the contrary.
 - ii. Members of the professional staff of the school district upon signing an access sheet indicating their legitimate educational interests.
 - iii. An official of a primary or secondary school to which a student is transferring provided that a parent, legal guardian or student who has reached legal majority receives notice of such release. The parent, legal guardian or student who has reached legal majority may request a copy of the record if desired and shall have an opportunity to challenge any information contained therein.
 - iv. To an educational institution, individual, prospective employer, organization or entity upon the written request of a parent, legal guardian or student who has reached legal majority.
 - v. To comply with a judicial order or lawfully issued subpoena after notice to the parents (except where such order or subpoena specifically directs otherwise) and student and with permission of the Superintendent.
 - b. Information contained in Category C may be released only in compliance with judicial orders or orders of administrative agencies where those agencies have the power of subpoena. Parents and or students shall be notified of all such orders (except where such order or subpoena specifically directs otherwise) and of the District's compliance therewith. Category C information may also be released where otherwise required by law such as when a student's disciplinary record is forwarded to a transferring student's new school under Act 26.
 - c. Non-personal information may be released to governmental or private organizations without identification of the individual or individuals involved for use in professional studies when so authorized by the Superintendent and supervised by an administrator.
4. The District shall provide to parents an annual notification of all usual rights and notification requirements under FERPA and PPRA, including, but not limited to:
- a. The types of student directory information that may be released publicly without parent/guardian consent

- b. An explanation that the District is required to forward disciplinary records, with respect to a suspension or expulsion, to schools that have requested them and in which the student seeks or intends to enroll.
- c. Information on the release of education records to law enforcement agencies (See #8 below)
- d. PPRA notices shall be mailed or otherwise provided directly to all parents annually or after any substantive policy changes. This notification shall include the normal PPRA requirements and also information concerning:
 - i. Privacy rights regarding surveys of students (# 5 below)
 - ii. The collection of information from students for marketing purposes (#6 below)
 - iii. Some non-emergency medical examinations (#7 below)

This FERPA notice need only be a “single notice” provided through a mailing, student information handbook, district web site, or other method that is reasonably calculated to inform parents.

This annual notification shall provide parents with information on how to opt out of providing their student’s directory information to other entities, including military recruiters.

- 5. With respect to student surveys:
 - a. No student shall be required, as a part of any program to submit to a survey, analysis, or evaluation that solicits or reveals information concerning:
 - i. Political affiliation or beliefs of the student or the student's parent
 - ii. Mental and psychological problems of the student or the student’s family
 - iii. Sex behaviors or attitudes
 - iv. Illegal, anti-social, self-incriminating, or demeaning behavior
 - v. Critical appraisals of other individuals with whom respondents have close family relationships
 - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
 - vii. Religious practices, affiliations, or beliefs of the student or the student’s parent(s)

- viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or an emancipated minor), or in the case of an unemancipated minor, without prior written consent of the parent.
 - b. Parents have the right, upon request, to inspect any survey created by a third party, or which solicits or reveals information in any of the eight protected areas listed above, before the survey is administered or distributed to the student.
 - c. Prior written parental consent is not required to participate in surveys that do not solicit or reveal information in any of the eight protected areas listed above.
 - d. Parents have the right to opt their child out of **ANY** survey, U. S. Department of Education-funded or not, that solicits information in any of the eight protected areas listed above.
 - e. These requirements do not apply to surveys administered to a student in accordance with the Individuals with Disabilities Act (IDEA).
6. With respect to collection of student data for marketing purposes:
- a. No collection of student data for marketing purposes shall take place except for the purpose of developing, evaluating, or providing educational products or services for students or educational institutions including:
 - i. College or other postsecondary education recruitment, or military recruitment
 - ii. Book clubs, magazines, and programs providing low-cost literacy products
 - iii. Curriculum and instructional materials used by elementary and secondary schools
 - iv. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
 - v. The sale by students of products or services to raise funds for school- or education related activities
 - vi. Student recognition programs
 - b. Parents/guardians shall have the right to inspect, upon request, any instrument used to collect such data.
7. With respect to medical examinations of students:
- a. Parents may opt their child out of any non-emergency invasive physical examination or screening of minors that is:
 - i. Required as a condition of attendance;
 - ii. Administered by the school and scheduled by the school in advance; and

- iii. Not necessary to protect the immediate health and safety of the student, or of other students.
 - b. Parents shall be notified, by U. S. mail or e-mail, the specific or approximate dates of any non-emergency, invasive physical examination or screening.
8. With respect to release of education records to law enforcement agencies:
- a. The District shall disclose personally identifiable information from students' education records to the Attorney General of the United States or his designee in response to an *ex parte* order in connection with the investigation or prosecution of terrorism crimes.
 - i. This disclosure does not require consent or knowledge of the parent or student.
 - ii. School officials are not required to record an *ex parte* disclosure of information.
 - iii. When a school produces student information in response to an *ex parte* order, the school shall not be liable to any person for that production.
 - b. The District may disclose educational records to the designee in a Federal grand jury subpoena without parental or student notification or recordation if so ordered by the court.
 - c. For law enforcement subpoenas, the same rules apply as to the Federal grand jury subpoenas except that the District shall have the option of requesting a copy of the good cause determination.
 - d. For all other subpoenas, including federal grand or law enforcement subpoenas in which the court does not specifically order nondisclosure, prior to disclosing personally identifiable information from a student's education record, the District shall make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action.
9. No School District personnel shall furnish lists of names and addresses of Mt. Lebanon students to anyone other than school officials and school-affiliated organizations without the approval of the Superintendent of Schools.
10. The Superintendent shall authorize the release of names, addresses and telephone numbers of secondary students to military recruiters and to institutions of higher learning to the extent required by applicable Federal or Pennsylvania law. Parents may opt out of providing this information.

Administrative Responsibility

It is the responsibility of the Administration to implement and enforce this policy, and to develop Administrative Procedures for implementation or enforcement where necessary and to collect, maintain, release and destroy information as directed by this policy.

Communication

This policy shall be communicated to:

1. All District employees
2. The Mt. Lebanon Community

Approved September 20, 2004
Revised March 15, 2010