Lenape Technical School recognizes the need to protect the confidentiality of personally identifiable information in the educational records of students. The following procedures are in place to insure the privacy rights of both the student and the parent in the collection, maintenance, disclosure and destruction of student records.

I. DEFINITIONS:

Education Records shall mean those records that are directly related to a student and are maintained by the school.

Directory Information shall include the following information relating to the student: the student's name, photograph, address, telephone number, date and place of birth, grade level, major field of study, participation in **officially recognized** school activities, dates attendance, awards received, and the most recent educational agency or institution attended by the student.

Disclosure shall mean permitting access to or the release, transfer, or other communication of education records of the student, orally or in writing or by electronic means or by other means to any party.

Education Records shall not include 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 or the maker of the record.

Records that only contain information about an individual after the individual is no longer a student at Lenape are no longer considered education records.

Eligible Student shall mean a student who has attained eighteen years of age.

Parent shall include a parent, a guardian or an individual acting as the parent of a student in the absence of a parent or guardian. The school presumes the parent has the authority to exercise the rights inherent on this policy unless the school has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody or legally binding instrument which provides to the contrary.

Personally Identifiable Information includes, but is not limited to: a student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or

student number; a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.

II. Collection of Data

A. Prior Informed consent-

No information to be recorded in education records shall be collected from students without prior informed consent.

Depending upon the nature of the information to be collected, consent may be of (2) two types:

1. **Representational consent**- consent given by the Joint Operating Committee or the state legislature, both bodies being legally elected representatives of the student's parents.

2. **Individual Consent** – Consent given by the student and/or parents.

B. Representational Consent-

Representational consent shall be sufficient in such matters as group achievement and aptitude testing and reporting skill and knowledge achievement in subject matter areas within the curricula of the school.

In situations in which representational consent is sufficient, students and their parents shall be informed in advance by a school official of the purpose(s) of data collection. Moreover, they shall be guaranteed reasonable opportunities to contest the necessity of or desirability of particular data collection processes, or proposed use of such data. However, the decision of the school is subject to higher authority or judicial review, binding on all students and parents, whether or not he/she may individually have consented to the collection.

C. Individual Consent –

Programs of assessment shall proceed only with the informed individual consent of each student and/or the student's parents or eligible student. The assessment itself may not be shown to the parent or student, although representative questions not included in the scoring or evaluation may be shown.

Individual consent is required before information other than that required for pupil identification, concerning a pupil's family is obtained, such as ethic origin, religious beliefs, income, occupational data, husband/wife

relationships, etc. or before any information not related to the educational process is solicited from students of parents.

Where individual consent is required, the student is reasonably competent to understand the nature and consequences of the student's decision.

In all situations where individual consent is to be obtained, it shall be in writing.

D. Interviews and Data obtained by Counselors, Nurses, Psychologists, and other personnel.

Individual consent shall be applied, when practical, to interviews and data obtained by counselors, nurses, psychologists and similar personnel. However, it may not always be possible to fully inform the parent and pupil of the unknown course of the interview.

1. In such an event, the professional should inform the student as much as possible, consonent with his/her professional responsibility and the capacity of the student to understand the implications of the situation, about the data that is likely to be obtained; and should stress the voluntary character of the student's participation.

2. Where reasonable doubt exists about the capacity of the student to understand the implications of the situation, either because of the student's age or other circumstances, parental permission should be sought first. Moreover, where a student who is clearly in need of intervention declines to participate, the professional should seek parental consent.

E. Nonschool Data –

Where data is to be collected for nonschool purposes, either by school personnel or others, the above policies shall be applied, with the further provision that prior informed consent must be obtained from the responsible school authorities.

In cases where data is to be collected under conditions of anonymity, this should not relieve either the collecting agency or the school of the obligation to obtain the appropriate form of consent. Procedures for regulating the collection of such data include:

1. Timely notification to students and their parents that their participation in any aspect of any such data collection is voluntary.

2. Careful reviews of the instruments and procedures to be used for any such data collection to determine whether the methods and/or inquires constitute a potential invasion of privacy.

III. CLASSIFICATION AND MAINTENANCE

Data categories – All student data maintained by the school will fall into the following defined as category A, B, or C.

A. Category A Data includes:
official administrative records that constitute the minimum personal data necessary for operation of the school**.** At a minimum, this includes directory information.

These records shall be maintained for 100 years.

B. Category B Data includes:

documented information of clear importance but not absolutely necessary to the school, such as test scores, interest inventory results, health data, family background, teacher ratings and/or behavioral patterns. Teacher or counselor ratings, documented reports of behavior, etc. may remain part of the permanent record except for health records which shall be maintained until the pupil ceases to be enrolled.

C. Category C Data includes:

potentially useful information but not yet documented or needed beyond the immediate present. This may include legal findings, unevaluated reports of teachers, counselors, or others which may be needed as part of an ongoing investigation and/or disciplinary or counseling actions. Data will be destroyed upon the student's graduation from the school.

IV. CONFIDENTIAL, PERSONAL FILES OF PROFESSIONALS IN THE SCHOOL –

Professional**s** working in the school may maintain personal and confidential files containing notes, and other memory aids for his/her own use in counseling **or instructing** pupils. Any or all data that is considered to be the personal property of the professional employer shall be guarded in the same manner as above in addition to rules of ethics, subject to the employment contract between the school and the professional and any agreements made between the professional and individual parents and/or students.

V. SUPERVISOR OF STUDENT RECORDS –

The school personnel who is designated as the Supervisor of Student Records is the Guidance Counselor. The Guidance Counselor's responsibilities include maintenance of such records, monitoring access of such records and informing the professional staff concerning maintenance and access procedures. The Guidance Counselor's shall periodically train all school personnel in regard to security and privacy rights students and parents.

VI. SECURITY -

Records which are under the supervision of the Supervisor of Student Records, shall be kept under lock when the office is not staffed or school is not in session.

VII. DISSEMINATION OF INFORMATION –

A record of the requests and disclosures of information to persons other than parent, students and officials with legitimate educational interests shall be maintained in the record folder or noted on the record of the student from whom disclosures have been made.

A. General Rule – Prior Consent

Before Lenape discloses personally identifiable information from a student's education records, the parent or eligible student shall provide a signed and dated written consent.

1. Contents of Written Consent.

A written consent must specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.

B. Disclosure Without Consent –

Lenape may disclosure personally identifiable information from an education record of a student without consent if one or more of the following conditions exist:

1. the disclosure is to other school officials, including teachers, within Lenape whom Lenape has determined to have legitimate educational interests.

2. The disclosure is to officials of another school or school district where the student's seeks or intends to enroll.

3. The disclosure is to officials of another school or school district where the student is enrolled or from whom the student is receiving services.

4. The disclosure is to an authorized representative of the United States or a state and local educational authority in connection with an audit or evaluation of federal or state supported educational programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

5. The disclosure is to state and local authorities pursuant to state statute concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

6. The disclosure is to accrediting organizations to carry out their accrediting functions.

7. The disclosure is to a parent of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.

8. The disclosure is to comply with a judicial order or lawfully issued subpoena.

   a Lenape must first 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. Advance notice is not required if the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena is not to be disclosed.

   b. If Lenape institutes legal action against a parent or student, Lenape may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for Lenape to proceed with the legal action as plaintiff.

   c. If a parent or student initiates legal action against Lenape, Lenape may disclose to the court, without an order or subpoena, the student's education records that are relevant for Lenape to defend itself.

9. The disclosure is in connection with a health or safety emergency. The disclosure will be to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This may include appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or wellbeing of that student, other students, or other members of the school community.

10. The disclosure is information that Lenape has designated as "directory information," provided Lenape has given public notice to parents and eligible students.

    a. Lenape may disclosure directory information about former students, without meeting public notice requirements.

C. Disclosure of Directory Information –

Lenape may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance of the following:

1. The types of information that Lenape has designated as directory information;

2. A parent's or eligible student's right to refuse to let Lenape release directory information without prior consent; and

3. The period of time within which Lenape is to be notified, in writing, that any or all of directory information may not be released without prior consent.

D. Separate Consent Required

Each request for consent must be handled separately.

E. Release to other persons or agencies

The school may comply with parental requests for the release of information to other persons or agencies, subject to the qualifications set forth in Section VII.F regarding safeguards of student rights when he/she reaches legal age.

F. Student Rights – Age 18

With respect to student rights, the following exceptions shall be made to the principle of parent consent:

1. When a student reaches the age of eighteen or is married (whether eighteen or not), or whi is attending a postsecondary institution at any age, his student consent alone must be obtained.

2. This includes the right to deny parental access to the student's record.

VIII. RIGHT TO ACCESS

The following rules shall govern inspection and review of educational records by a student, or parents, or their legal representatives, who have the right to access a student's education record:

A. Such person or persons shall make a request of the Supervisor of Student Records for an opportunity to inspect and review the student's education record.
B. The school shall comply with the request to inspect and review an education record within a reasonable period of time, but in no case, for a time greater than provided for by FERPA.

C. The education records shall be inspected and reviewed by appointment during the regular business hours of the school.

D. Responses to reasonable requests for explanation and interpretation of education records shall be made by appropriate school personnel.

E. In the absence of the Supervisor of Student Records, that person's immediate supervisor has the authority to act in the capacity of Supervisor of Student Records.

IX. RIGHT TO COPIES -

A. A parent or eligible student, upon written request, may receive copies of the student's education records. Copies may be requested whether or not there has been a prior request to access and review education records.

B. Unless the imposition of a fee effectively prevents the parent or eligible student from exercising their right to inspect and review a student's education records, there shall be a charge equal to the actual expense of the copy.

C. Lenape cannot charge a fee to search for or to retrieve the education records of a student

X. LIMITATIONS ON INSPECTION AND REVIEW RIGHTS –

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. Lenape may redact personally identifiable information on the other student prior to the inspection and review.

X1. ANONYMOUS DATA –

The school may provide anonymous data from it's records for outside educational research without consent under conditions where the likehood of identifying any individuals because of their unique characteristics is negligible.

XII. PARENTS AND ELIGIBLE STUDENTS TO BE INFORM\ED –

At least annually parents of students or eligible students will be informed:

A. Of the right to inspect and review the student's education records.

B. The procedure for exercising the right to inspect and review.

C. The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

D. The procedure for requesting amendment of education records.

E. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state laws authorize disclosure without consent.

F. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if the school discloses certain materials without prior consent.

G. The right to refuse to permit the designation of any or all categories of directory information.

H. The right to request that information not be provided to military recruiting officers.

I. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Lenape to comply with the requirements of FERPA.

XIII. CHALLENGES AND HEARINGS –

If a parent or eligible student believes that the student's education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may seek an amendment to the record.

A. Pre-hearing Procedures –

1. The parent or eligible student shall initially make a written request to the Administrative Director specifying the item or items for which an amendment is sought. The request must specifically state how the record is to be amended (including deletions).

2. Within fifteen (15) calendar days, the Administrative Director shall inform the parent or eligible student in writing as to whether or not the record shall be amended, or the manner in which it will be amended.

3. If the Director decides not to amend the record as requested, the Director shall inform the parent or eligible student of his or her right to request a hearing.

4. The request for a hearing must be submitted in writing within thirty (30) calendar days of the date of the Administrative Director's decision.

B. Hearing Procedures –

1. Upon timely receipt of a hearing request, the hearing shall be scheduled within forty-five (45) calendar days.

2. The parent or eligible student shall be given a minimum of ten (10) calendar days notice of the hearing.

3. The parent or eligible student shall be given written notice of the date, place, and time at least ten (10) calendar days is advance of the hearing.

4. The hearing shall be conducted by a hearing officer. The hearing officer shall be any member of the Joint Operating Committee, or the Solicitor, or a person designated by the Joint Operating Committee who does not have a direct interest in the outcome of the hearing.

5. The parent or eligible student shall have a full and fair opportunity to present evidence, and may at their own expense be assisted or represented by one or more individuals of his or her own choosing, including an attorney. The Administrative Director will likewise be given a full and fair opportunity to explain why he or she disagrees with the amendment request.

6. Formal rules of evidence need not be followed, and the hearing officer may question any party or witness.

7. The hearing officer shall make a recommended decision, including a summary of the facts and the reasons for the recommended decision to the Joint Operating Committee. The Joint Operating Committee shall then make its decision in writing within forty-five (45) calendar days of the hearing.

8. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

9. A copy of the decision shall be given to the parent or eligible student by personal delivery, certified mail and return receipt requested, and/or regular mail to the parent or eligible student's attorney. If the parent or eligible student refuses to accept the certified mail or personal delivery, then delivery shall be deemed to have been accomplished as of the date the decision is deposited by regular mail, postage prepaid to the last known address of the party.

C.

C. Post Hearing

1. If as a result of the Administrative Director's decision or the hearing, the challenged information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of student, the education record of the student shall be amended accordingly and the parent of the student or eligible student shall be informed in writing.

2. If as a result of the Administrative Director's decision or the hearing, the challenged information is not found to be inaccurate, misleading or otherwise in violation of privacy or other rights of the student, the parent or eligible student has the right to place in the education records of the student a statement commenting on the information in the records and/or setting forth any reason or reasons for disagreeing with the decision of the school.

    a If such a statement is placed in the education records, the statement shall be maintained with the contested part of the record for so long as the record is maintained; and the statement shall be disclosed whenever Lenape discloses the portion of the record to which the statement relates.

XIV. FERPA NOTICE

The annual notice required by the Family Educational Rights and Privacy Act (FERPA) shall be substantially in the form accompanying these Comprehensive Plan of Procedures.

XV. STUDENT RIGHTS AND RESEARCH, EXPERIMENTAL ROGRAMS AND TESTING.

No student shall be required to submit without prior consent to psychiatric or psychologicalexamination, testing or treatment examination, testing or treatment in which the primary purpose is to reveal information concerning one or more of the following.

A political affiliations;

B. mental and psychological problems potentially embarrassing to the student or his or her family;

C. sex behavior and attitudes;

D. illegal, anti-social, self-incriminating, and demeaning behavior;

E. critical appraisals of other individuals with whom the student has close family relationships;
F. legally recognized, privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or

G. income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.

Psychiatric or psychological examination or test means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings.

Psychiatric or psychological treatment means an activity involving the systematic use or methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional or attitudinal characteristics of an individual or group.

[LENAPE TECHNICAL SCHOOL LETTERHEAD]

TO: Parent or Eligible Student

Date of Publication: [Date mailed or distributed]

FERPA NOTICE

The Family Educational Rights and Privacy Act ("FERPA") **is a Federal law that affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:**

1. The **right** to inspect and review the student's education records within forty-five days of the day the School received a request for access. Thirty days for special education students.

Parents or eligible students may at any time submit to the School's [insert title] a written request that identifies the record(s) they wish to inspect. The [insert title] will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The **right** to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask Lenape Technical School to amend a record that they believe is inaccurate or misleading. They should write the School's [insert title], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The **right** to consent to disclosure of personally identifiable information contained in the student's education records, **except to the extent that FERPA authorizes disclosure without consent**.

FERPA permits the Lenape Technical School to make disclosures **without consent** to **school officials** with legitimate educational interests. A school official is a person employed by Lenape Techincal School as an administrator, supervisor, instructor, or support staff member; a similar school official at your home school District; a person serving on the Joint Operating Committee; a person, company, or governmental agency whom the School has asked to perform a special task (such as an attorney, auditor,

medical consultant, therapist, or law enforcement agency). A school official has a legitimate educational interest if the school official needs to review an education record in order to fulfill the official's professional responsibility.

The School may also disclose education records **without your consent** to officials of **another school district** in which a student seeks or intends to enroll, is enrolled, or from whom a student is receiving services.

4. The **right** to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW.
Washington, DC 20202-5920

NOTICE OF INTENT TO DISCLOSE DIRECTORY INFORMATION

FERPA also permits the Lenape Technical School to release designated directory information without your prior consent**,** unless you notify the School, in writing**, that you do not want any or all of these types of directory information released without your prior consent.**

The Lenape Technical School has designated the following as "directory information**":**

1. STUDENT'S NAME
2. ADDRESS
3. TELEPHONE LISTING
4. PHOTOGRAPH
5. DATE and PLACE of BIRTH
6. MAJOR FIELD of STUDY
7. DATES OF ATTENDANCE
8. GRADE LEVEL
9. PARTICIPATATION IN OFFICIALLY RECOGNIZED ACTIVITIES and SPORTS
11. WEIGHT and HEIGHT OF MEMBERS of ATHLETIC TEAMS
12. DEGREES, HONORS and AWARDS RECEIVED
13. MOST RECENT EDUCATIONAL AGENCY OR INSTITUTION ATTENDED

Parent or eligible student may object to the release of any or all directory information by informing the Administrative Director **in writing within thirty-days of receipt of this**

publication. Failure to object within the designated time period waives the right to object to release of above listed directory information.

MILITARY RECRUITERS

Federal law requires Lenape Technical School to give military recruiters access to names, addresses and telephone listings of all secondary school students. A secondary school student or the student's parent may request that such information not be released to a military recruiter without prior written consent. Such a request will be honored by the School if made, in writing, to the Administrative Director.

If you have any questions regarding this FERPA Notice, please contact the Administrative Director at 724-763-7116 X3310.