

No. 207

SECTION: Pupils

TITLE: Student Records

ADOPTED: June 14, 2022

CATASAUQUA AREA SCHOOL DISTRICT

| | | |
|--|--|----|
| | 207 – STUDENT RECORDS | 1 |
| | <i>{Replaces previous policies 207, 207.1, and 216.}</i> | 2 |
| | | 3 |
| | <u>Table of Contents</u> | 4 |
| | | 5 |
| | 1. Purpose and Authority | 6 |
| | | 7 |
| | 2. Delegation of Responsibility | 8 |
| | | 9 |
| | 3. General Definitions | 10 |
| | <i>A. Definitions Relating to Students and Parents</i> | 11 |
| | 1. Applicable Student | 12 |
| | 2. Parent | 13 |
| | 3. Eligible Student | 14 |
| | 4. Responsible Person | 15 |
| | 5. Student with Disabilities | 16 |
| | 6. Emancipated Minor | 17 |
| | <i>B. Other Definitions</i> | 18 |
| | 1. Destroy | 19 |
| | 2. Directory Information | 20 |
| | 3. Disclose | 21 |
| | 4. Education Record | 22 |
| | 5. IEP | 23 |
| | 6. Legitimate Educational Interest | 24 |
| | 7. Maintain | 25 |
| | 8. Personally Identifiable Information | 26 |
| | 9. Restricted Survey, Analysis, or Evaluation | 27 |
| | 10. School Official | 28 |
| | 11. Service Agreement | 29 |
| | 12. Secure File | 30 |
| | 13. Student Records Maintenance Site | 31 |
| | 14. Survey, Analysis, or Evaluation | 32 |
| | | 33 |
| | 4. Collection | 34 |
| | <i>A. Types of Records</i> | 35 |
| | 1. Core Data | 36 |
| | 2. Discipline and Law Enforcement Records | 37 |
| | 3. Health Records | 38 |
| | 4. Work Samples and Grade Books | 39 |
| | 5. Guidance Department, Psychologist, and Student Assistance | 40 |
| | Team Records | 41 |

| | |
|--|----|
| | 1 |
| | 2 |
| 6. Surveys | 3 |
| 7. Individual Testing, Assessment, and Plans for Remedial Programs | 4 |
| | 5 |
| 8. Assessment Materials and Data | 6 |
| 9. Awards and Distinctions | 7 |
| 10. Other Records | 8 |
| B. <i>Consent</i> | 9 |
| 1. Representational Consent | 10 |
| 2. Individual Consent | 11 |
| 3. Invitation to Participate in Development of Document | 12 |
| 4. Form of Consent | 13 |
| C. <i>Transfer Students</i> | 14 |
| | 15 |
| 5. Maintenance | 16 |
| A. <i>Categorization</i> | 17 |
| 1. Category A | 18 |
| 2. Category B | 19 |
| 3. Category C | 20 |
| 4. Category D | 21 |
| B. <i>Location</i> | 22 |
| 1. In General | 23 |
| 2. Discipline Records | 24 |
| 3. Health Records | 25 |
| 4. Special Education and Similar Plans | 26 |
| 5. Electronic Storage Systems | 27 |
| C. <i>Transfer to Another Building</i> | 28 |
| D. <i>Conversion to Another Form or Storage Medium</i> | 29 |
| E. <i>Access and Disclosure Log</i> | 30 |
| | 31 |
| 6. Inspection and Review | 32 |
| A. <i>By Responsible Person</i> | 33 |
| B. <i>Copies in lieu of Inspection and Review</i> | 34 |
| C. <i>Explanation and Interpretation</i> | 35 |
| D. <i>Records Concerning Multiple Students</i> | 36 |
| | 37 |
| 7. Challenges to Content of Education Records | 38 |
| A. <i>Request</i> | 39 |
| B. <i>District Response</i> | 40 |
| C. <i>Hearing</i> | 41 |
| D. <i>Written Decision</i> | 42 |
| E. <i>Statement by Responsible Person</i> | 43 |
| | 44 |
| 8. Disclosure | 45 |
| A. <i>Not a Public Record</i> | 46 |
| B. <i>General Rule – Prior Written Consent</i> | 47 |
| C. <i>Form of Consent</i> | 48 |
| | 49 |

D. When Prior Written Consent Not Required

1. School Officials
2. Enrollment or Transfer to Another Educational Agency
3. Health or Safety Emergency
4. Investigation and Auditing
5. Directory Information
6. Applicable Student
7. Parent of a Dependent Student
8. Accrediting Organizations
9. Judicial Order or Subpoena
10. Court or Hearing Officer
11. Juvenile Justice Authorities
12. Organizations Conducting Studies
13. Foster Care Placements
14. Healthy, Hunger-Free Kids Act
15. Other Circumstances

E. Re-disclosure by Recipient

F. To Law Enforcement Agency

G. Transcripts

9. Destruction

A. In General

B. Notice re Students with Disabilities

C. Student Record Retention and Disposition Schedule

1. Category A
2. Category B
3. Category C
4. Category D

10. Miscellaneous

A. Interpretation

B. Training

C. Access Controls and Listing

D. Missing Child Registration

F. FERPA Complaint

E. Annual Student Records Notice

Attachment No. 1 – Annual Student Records Notice

Attachment No. 2 – Notice re Students with Disabilities

1. Purpose and Authority

The educational interest of students requires the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual’s right to privacy. The School District will maintain educational records as they are defined herein for students for legitimate educational purposes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

The Board recognizes its responsibility for compilation, retention, disposition, and security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records.

20 U.S.C. § 1232g; 34 CFR part 99; 20 U.S.C. § 1400 *et seq.*; 20 U.S.C. § 6301 *et seq.*; 20 U.S.C. § 1232h; 34 CFR part 98; US Pub. L. 104-191, as amended; Pa. School Code, 24 Pa. Stat. Ann. § 1-101 *et seq.*, 22 Pa. Code. §§ 12.31, 12.32, 16.65

This policy shall be interpreted in accordance with and consistent with the following laws and corresponding regulations: the Family Educational Rights and Privacy Act (FERPA); the Individuals with Disabilities Education Act (IDEA); the Elementary and Secondary Education Act as reauthorized and revised by the Every Student Succeeds Act (ESSA); the Protection of Pupil Rights Act; the Health Insurance Portability and Accountability Act (HIPAA); the Pennsylvania School Code and regulations of the State Board of Education; and all other applicable laws and regulations. Only educational records mandated by federal or state statutes and regulations, or permitted by the Board, may be compiled by School District staff.

2. Delegation of Responsibility

The Superintendent or his/her designee shall be responsible for developing and implementing a plan for the collection, maintenance, security, retention, release, disclosure, and destruction of records of regular students and students with disabilities that meets the requirements of all federal and state statutes and regulations, state guidelines, and Board policies, and is approved by the Board. The plan is reflected in this policy, and shall be updated, augmented, and supplemented as warranted.

The District’s plan for collection, maintenance, security, retention, release, disclosure, and destruction of student records shall provide for the following:

34 CFR § 99.7

1. Informing parents, guardians, and eligible students of their rights and the procedures to implement those rights.
2. Permitting appropriate access by authorized persons and officials, describing procedures for access, and listing copying fees (25¢ per page).
3. Enumerating and defining the types, locations, and persons responsible for student records maintained by the District.
4. Establishing guidelines for disclosure of information and data in student records.

34 CFR § 99.30 to § 99.39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

34 CFR § 99.32

5. Maintaining a record of access and release of information for each student’s records.

6. Assuring appropriate retention and security of student records.

School Code § 1305-A

7. Transferring education records and appropriate disciplinary records to other school districts.

8. Establishing safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining, and disseminating student information.

34 CFR § 300.623(a), (b)

9. Maintaining the confidentiality of student records and personally identifiable information at the collection, storage, disclosure, and destruction stages, as required by law and regulations. The Superintendent shall designate one official of the District to assume responsibility for ensuring the confidentiality of any personally identifiable information of all students with disabilities.

10. Obtaining written consent of the parent/guardian or the student prior to releasing a student’s educational records when written consent is required by law, regulations, or Board policy.

3. General Definitions

When used in this policy, the terms described in this Part 3 shall have the following meanings:

A. Definitions Relating to Students and Parents

1. Applicable Student shall mean, with respect to any given education record, the student whose personally identifiable information is associated with the education record. Where the education record is associated with personally identifiable information of more than one student, each such student shall be an Applicable Student with regard to that education record, and the education record may only be reviewed or disclosed if permitted under this policy and applicable law for all such Applicable Students, or if the education record is redacted so that in the redacted form it is associated with only one Applicable Student and review or disclosure as so redacted is permitted under this policy and applicable law for that Applicable Student. For purposes of this definition, the term “student” means a person who is currently, or was formerly, a student in attendance in the District or receiving District-supported educational services, and regarding whom the District maintains education records.

33 CFR § 99.3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

34 CFR §§ 99.3,
99.4, 300.613(c)

2. Parent of an Applicable Student shall mean one of that student’s biological or adoptive parent(s) or legal guardian(s), or an individual acting as a parent for the student in the absence of a parent or guardian. All rights granted under this policy to a parent apply to either parent, unless the District has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, guardianship, or custody that specifically revokes or restricts these rights.

34 CFR §§ 99.3,
99.5, 300.625(b),
(c)

3. Eligible Student shall mean an Applicable Student who has reached the age of eighteen (18) years or older or is attending an institution of post-secondary education. When a student becomes an Eligible Student, the rights accorded to, and consent required of parents under the Family Education Records Privacy Act (FERPA) transfer from the parents to the Eligible Student.

20 U.S.C. §
1232h(b)

4. Responsible Person with respect to an Applicable Student shall mean one of that student’s Parents if the Applicable Student is not an Eligible Student, and shall mean the Applicable Student if he/she is an Eligible Student. If the Applicable Student is an Emancipated Minor but not yet an Eligible Student, each of the student’s Parents *and* the Applicable Student are a “Responsible Person”, *except* that for purposes of consent for a Restricted Survey, Analysis, or Evaluation, only the Applicable Student is a “Responsible Person”.

20 U.S.C. § 1400
et seq.; 34 CFR
Part 300; 34 CFR
§ 300.8; 29
U.S.C. § 794

5. Student with Disabilities shall mean a student age three (3) through twenty-one (21) years inclusive who has or is thought to have one or more of the disabilities described in the Individuals with Disabilities Education Act (and any preceding and successor legislation) and the regulations thereunder, or a student of school age who has or is thought to have a disability within the meaning of Section 504 of the Rehabilitation Act of 1973.

6. Emancipated Minor shall mean a student below the age of twenty-one (21) years who has chosen to establish a domicile apart from the continued control and support of a Parent, or living with a spouse.

B. Other Definitions

34 CFR
§300.611(a)

1. Destroy shall mean to physically shred, burn, damage, or alter an education record in such a manner that all personally identifiable information related to the Applicable Student is removed from it or is otherwise obscured or obliterated, and it is not otherwise associated with any personally identifiable information related to the Applicable Student.

34 CFR § 99.3

2. Directory Information shall mean information from a student’s education record which would not generally be considered harmful or an invasion of a student’s privacy if disclosed. The School District declares the following information as directory information:
- a. Student’s name, address, electronic mail address, and photograph.
 - b. Names of the student’s parents and siblings.
 - c. Student’s age and place of birth.
 - d. Student’s gender identification.
 - e. Participation in officially recognized activities, clubs, and sports.
 - f. Weight and height of members of athletic teams.
 - g. Grade level.
 - h. Dates of attendance, and schools attended within the District.
 - i. Whether the student graduated and the date of graduation.
 - j. Honors and awards received.
 - k. The most recent previous educational agency or institution attended by the student.
 - l. A student ID number, user ID, or other unique personal identifier that is displayed on a student ID badge or used by a student for purposes of accessing or communicating in electronic systems, *but only if* the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user. No other student ID numbers or personal identifiers, nor the student’s social security number, shall be considered “directory information”.

34 CFR § 99.3

3. Disclose shall mean to permit access to or to release, transfer, or otherwise communicate personally identifiable information contained in education records by any means, including oral, written, or electronic means, and whether by tangible or electronic copies or inspection and review of the records as possessed by the District, to any party except the party identified as the party that provided or created the record.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

34 CFR §§ 99.3,
300.611(b)

4. Education Record shall mean any personally identifiable information recorded or stored by any means (including, but not limited to, handwritten, typed, printed, stored on computer media, microfilm, microfiche, video or audio tape, film, or digital medium) that is directly related to a student and maintained by the District or any individual or entity acting on behalf of the District, regardless of the current location of the record. However, the term does not include the following:

- a. 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. The “maker” of such records includes, without limitation, instructional, supervisory, and administrative personnel and personnel ancillary to such persons (such as instructional support teachers, counselors, therapists, clinicians, members of the Board of School Directors, psychologists, psychiatrists, nurses, and instructional aides).

All such data shall be considered confidential and treated as such. They may not be passed on to a person to whom the student is assigned at the next grade level, nor transferred to another school entity to which the student may transfer.

34 CFR §§ 99.3,
99.8

- b. Records created *and* maintained by the law enforcement unit of the District for a law enforcement purpose. Those records created and maintained exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the District, are *not* included within this exception. Nothing in this policy prohibits the District from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.
- c. Records that contain only information about the student after the student is no longer a student in attendance in the District or receiving District-supported education.
- d. Grades on peer-graded papers or other forms of peer assessment or rating before they are collected and recorded by a teacher.
- e. Other records specifically excluded from the definition of “education record” under the Family Educational Rights and Privacy Act, 20 USC § 1232g, and its implementing regulations, 34 CFR Part 99.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

20 U.S.C. § 1400
et seq.; 34 CFR
Part 300; 34 CFR
§ 300.22

- 5. IEP shall mean the written statement of an Applicable Student’s Individualized Education Program within the meaning of the Individuals with Disabilities Education Act (IDEA) and the regulations thereunder.

- 6. A person has a Legitimate Educational Interest in specific information or records relating to an Applicable Student when the person needs the information or records to fulfill the duties of his/her position with or for the District, the District desires that the person access, consider, or act upon the information or records in fulfilling the duties of his/her position with or for the District, and the information or records:
 - a. Are presently or potentially relevant to the design or provision of instruction or other education, education-related services, testing, or assessments, behavior interventions and strategies, or extracurricular activities or experiences either to the Applicable Student, to particular students or groups of students, or to whole schools, grades, or the student population of the District at large, regardless of whether the Applicable Student is part of the group or population that will be affected;
 - b. Are necessary or useful to protect the health, safety, or welfare of the Applicable Student or others with whom the Applicable Student might have contact; or
 - c. Are necessary or useful to permit actions that may only be taken legally by the Board of School Directors, or when the education or treatment of an Applicable Student is the subject of present or potential litigation or legal dispute.

34 CFR §
99.31(a)(1)(ii)

The District must use reasonable methods to ensure that School Officials obtain access to only those education records in which they have Legitimate Educational Interests. If the District does not use physical or technological access controls, it must ensure that its policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of 34 CFR § 99.31(a)(1)(i)(A).

- 7. Maintain:
 - a. In the case of personally identifiable information stored on paper, magnetic, video, or audio tape, microfiche, microfilm, computer storage disk or removable drive or similar medium, the term “maintain” shall mean to keep in a Secure File, or in the continuous and secure control of a School Official with a Legitimate Educational Interest in the information.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

b. In the case of personally identifiable information that is stored electronically, including electronic mail, the term “maintain” shall mean to keep in a Student Records Maintenance Site. Personally identifiable electronic information, including electronic mail, shall not be considered to be “maintained” by the District unless and until it is moved to or stored in or on a Student Records Maintenance Site.

34 CFR § 99.3

8. Personally Identifiable Information with respect to an Applicable Student includes, but is not limited to, information related to the Applicable Student that is associated with one or more of the following:

- a. The Applicable Student’s name.
- b. The name (including any maiden name or other former name) of the parent(s) or other family members of the Applicable Student.
- c. The current or former address of the Applicable Student or a member of his/her family.
- d. A personal identifier of the Applicable Student, such as his/her social security number, student number or code, or biometric information consisting of one or more measurable biological or behavioral characteristics, a still or video image, or audio voice sample that can be used for automatic or manual identification of an individual.
- e. Other indirect identifiers of the Applicable Student, such as the date of birth or place of birth of the Applicable Student or a member of the Applicable Student’s family.
- f. 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 circumstance, to identify the Applicable Student with reasonable certainty.
- g. The District reasonably believes that the person requesting the information knows the identity of the Applicable Student.

20 U.S.C. §
1232h(b); 34
CFR § 98.4

9. Restricted Survey, Analysis, or Evaluation shall mean a Survey, Analysis, or Evaluation which requires or encourages the Applicable Student to reveal information concerning any of the following:

- a. Political affiliations or beliefs of the Applicable Student or a Parent or other family member of the Applicable Student.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- b. Mental or psychological problems of the Applicable Student or a family member of the Applicable Student.
- c. Sexual behavior or attitudes.
- d. Illegal, anti-social, self-incriminating, or demeaning behavior.
- e. Critical appraisals of other individuals with whom the Applicable Student has close family relationships.
- f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
- g. Religious practices, affiliations, or beliefs of the Applicable Student or a Parent of an Applicable Student.
- h. Income, unless required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

10. School Official shall mean:

- a. A District employee (including, but not limited to, a teacher, counselor, administrator, supervisor, instructor, coach, or member of the clerical or support staff—including health or medical staff and law enforcement unit personnel), or a member of the Board of School Directors.
- b. A District contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions for which the District would otherwise use employees, so long as the person is under the direct control of the District, by contract or otherwise, with respect to the use and maintenance of education records in his/her possession, and is subject to the requirements of Part 8(E) of this policy (relating to the use and re-disclosure of personally identifiable information from education records).

11. Service Agreement shall mean a written plan of adaptations and/or modifications developed for a student with disabilities who is eligible for protection under Section 504 of the Rehabilitation Act of 1973, but who is not eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

12. Secure File shall mean a student or subject-specific compilation of information maintained in a form segregated from the files of other students or subjects, and which:

34 CFR §§
99.31(a)(1),
99.33(a)

29 U.S.C. § 794;
20 U.S.C. § 1400
et seq.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- a. In the case of information stored on paper, magnetic, video, or audio tape, microfiche, microfilm, computer storage disk or removable drive or similar medium — is physically maintained in a locked file drawer, cabinet, or desk, or if unlocked, in the immediate custody and control of the custodian thereof; and
- b. In the case of information that is stored on a computer system — access to the system and the information is limited by security software that conforms to current computer industry standards.

13. Student Records Maintenance Site shall mean a secure electronic storage system or site, whether located locally or remotely, specifically designated by the Superintendent or his/her designee as a “Student Records Maintenance Site”. The District’s electronic mail server(s) or directory(ies), and the files on local or remote disk drives, computers, servers, portable media, or mobile devices shall not for any purpose constitute a “Student Records Maintenance Site” unless explicitly so designated by the Superintendent or his/her designee in writing, and any personally identifiable information stored thereon shall either be deleted or moved to a “Student Records Maintenance Site” at least once annually.

14. Survey, Analysis, or Evaluation shall be limited to a planned method of inquiry or information collection used on a group or individual basis. The phrase does not apply to the ordinary give-and-take exchange that occurs in course of the counselor-student, psychologist-student, teacher-student, or nurse-student relationship when the Applicable Student initiates the contact or otherwise participates in it voluntarily.

4. Collection

A. Types of Records

School Code § 1532

Each District teacher shall prepare and maintain a proper record of the work and progress of each student, including the final grade in the several branches pursued by the student, as well as the conduct of the student, together with a recommendation for promotion or retention.

30 CFR § 300.616

The District shall provide a Responsible Person, on request, with a list of the types and locations of education records of an Applicable Student collected, maintained, or used by the District. See this Part 4(A) and Part 5(B) of this policy.

For each Applicable Student, the District shall collect and maintain the types of records described in paragraphs 1 through 3 below, and may collect and maintain the types of records described in paragraphs 4 through 10 below, subject to the consent rules in Part 4(B):

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1. Core Data — Information consisting of the name of the Applicable Student; the last known address and domicile within the District of each Parent of the Applicable Student (or of the Applicable Student if he/she is an Emancipated Minor); the birth date of the Applicable Student; the course, subject area, or project work completed by the Applicable Student and the level of achievement attained; the last grade attended or the date of graduation; and attendance data.

2. Discipline and Law Enforcement Records —

School Code §
1304-A

a. These records include the sworn statement or affirmation of suspension or expulsion required at registration.

School Code §
1305-A

b. The District shall maintain the disciplinary record of the Applicable Student, and shall transmit a certified copy of the disciplinary record to a successor school whenever the Applicable Student transfers to another school entity or nonpublic school within ten (10) days after receipt of a request from the successor school. When an Applicable Student transfers to another school within the District, the District shall likewise transmit the disciplinary record to the new school.

School Code §
1307-A

c. The District shall maintain updated records of all incidents of violence, incidents involving possession of a weapon, and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a District-wide and school-by-school basis. These records shall be contained in the format developed by the Pennsylvania State Police. Records of student information from the Office of Juvenile Probation concerning adjudications of delinquency shall be maintained in a separate file from other records relating to the Applicable Student.

School Code §
1306-A

d. The records described in subparagraphs (b) and (c) above shall be available for inspection by the Applicable Student, a Parent, School Officials, and State and local law enforcement officials as provided and permitted by law.

School Code §
1306-A

e. Permission of the Applicable Student’s Parent shall not be required for the transfer of the Applicable Student’s record to another school entity in which the student seeks enrollment or is enrolled.

3. Health Records — Including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and

drug dispensing or administration logs, and health-related information provided by a Parent of the Applicable Student.

4. Work Samples and Grade Books — Includes work samples of the Applicable Student and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of District-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the Applicable Student participated; and non-cumulative report cards.
5. Guidance Department, Psychologist, and Student Assistance Team Records — However, personal records and notes created, maintained, and used strictly in accordance with Part 3(B)(4)(a) of this policy are not Education Records subject to this policy.
6. Surveys — Results of career aptitude and interest surveys, or of surveys to assist in planning for and providing guidance, health, or drug and alcohol abuse prevention instruction or programs.
7. Individual Testing, Assessment, and Plans for Remedial Programs — Reports of and other information describing or summarizing the results of individual testing and assessment, including PSSA and other achievement, aptitude, intelligence, or similar tests, and tests and assessments utilized by instructional support, child study, multi-disciplinary, or IEP teams, or by professional staff responsible for determining eligibility for Title I, ESL, and other remedial programs, or by agencies and individuals not employed by or working on behalf of the District; instructional support or child study team action plans; IEPs; and service agreements or accommodation plans.
8. Assessment Materials and Data — Protocol sheets and booklets; scoring sheets; answer books; rating forms; observation notes; anecdotal logs; running record forms; and other forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment.
9. Awards and Distinctions — Records of awards and distinctions earned by the Applicable Student for work or activities in school and in the community and of participation in District-approved extra-curricular activities.
10. Other Records — Other records required by law or deemed by instructional or supervisory staff to be both accurate and necessary to the provision of education, education-related services, or extra-curricular activities or experiences.

B. *Consent*

All information shall be collected only with prior written consent. Consent may be representational (*i.e.*, by the District’s Board of School Directors) in those situations described in paragraph 1 (Part 4(B)(1)) below, or individual (by the Responsible Person) under paragraphs 2-4 (Part 4(B)(2)-(4)) below.

1. Representational Consent

By adoption of this policy, the Board of School Directors gives consent for the collection of records and information described in:

- a. Part 4(A)(1), (4), or (5) of this policy.
- b. Part 4(A)(2), (3), (6), or (9) of this policy, unless the collection is accomplished through a Restricted Survey, Analysis, or Evaluation.
- c. Part 4(A)(10) of this policy, if required by law.

2. Individual Consent

The District shall obtain prior written informed consent of the Responsible Person to collect records and information with respect to an Applicable Student, other than reports and other documents provided by a Parent or other agencies, which are:

- a. Described in Part 4(A)(7) or (8) of this policy;
- b. Described in Part 4(A)(10) of this policy, if not required by law; or
- c. Accomplished through a Restricted Survey, Analysis, or Evaluation.

However, consent otherwise required under this paragraph 2 is not required to investigate or substantiate a good faith suspicion of child abuse or neglect when the person from whom consent would be required is suspected of the abuse or neglect.

3. Invitation to Participate in Development of Document

For purposes of collecting information in the form of an instructional support or child study team action plan, an IEP, or a service agreement or accommodation plan, a written invitation to the persons (Parents and/or Applicable Student) required by law to receive an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

invitation to participate in the development of such document shall constitute an adequate means of obtaining consent to develop the document, even if no Parent or the Applicable Student participates in the meeting at which the content of the document is discussed.

The description in an action plan, IEP, service agreement or accommodation plan of a means of data collection or ongoing progress monitoring or assessment shall suffice to allow such activities without the need for additional written consent.

4. Form of Consent

When the form and manner of consent required under paragraph 2 above (Part 4(B)(2)) is specifically prescribed by applicable state or federal law, the prior written informed consent shall be obtained in that form and manner.

Otherwise, except as provided in paragraph 3 above (Part 4(B)(3)), such consent shall be obtained by mailing to the Responsible Person’s residence or other address of record, e-mailing to the Responsible Person’s e-mail address of record, or hand delivery to the Responsible Person, a written consent form that complies with the following requirements and is received within a reasonable time prior to the information activity for which consent is sought:

- a. The form shall use language that a lay person can readily understand and shall be written in the native language of the Responsible Person from whom consent is sought.
- b. The form shall contain an explanation of the type of information sought, the purpose for which the information is sought, and the specific types of testing, assessment, or data collection to be used to obtain the information.
- c. The form shall make clear to the Responsible Person that consent is required to proceed with the information collection activity(ies) proposed; shall contain an assurance that such activity(ies) will not proceed without consent; shall specify the duration of the consent or shall clearly provide that consent shall be considered effective until revoked in writing by the person giving consent; and shall contain a clear explanation of the time and place for responding to the form.
- d. The form shall contain the name and telephone number of a contact person whom the Responsible Person can contact to obtain additional information or seek clarification concerning the proposed activity(ies).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- e. The form shall provide a space for the Responsible Person to elect whether to grant or withhold consent by marking one of two or more clearly worded options and signing their name.

C. Transfer Students

When a student who has attended another public or private school registers to attend public school in the District, the District shall immediately:

- 1. Request a certified copy of the Applicable Student’s disciplinary record and a copy of the Applicable Student’s health record from the public or private school the student last attended; and
- 2. Request all other current records, including special education records, necessary to ensure that the Applicable Student is placed in appropriate classes at the appropriate grade level and that the District is able to meet all obligations to the Applicable Student under federal and state law.

School Code §§
1305-A, 1409(c)

5. Maintenance

A. Categorization

The education records of an Applicable Student shall be categorized, from time to time, as follows:

1. Category A

Category A information includes official administrative records that constitute the minimum personal data necessary for the operation of the school system, such as identification of the Applicable Student (name, social security number, student identification number(s), etc.), names and addresses of Parents, last known home address and telephone number, birth date, classes attended and academic levels completed or services received, year of program or service completion, grades or marks received, grade level completed, and whether a diploma was awarded. Category A information also includes achievement test scores, college entrance examination standardized test scores, attendance records, honors, awards, activities, photographs, and other similar types of information.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

2. Category B

Category B information includes verified information of clear importance, such as intelligence and aptitude test scores, interest inventories, health data, family information, teacher or counselor observations, psychological evaluations, accident reports, certain correspondence, certain discipline records and reports of serious acts of misbehavior and behavior patterns. Category B information also includes documents that pertain to evaluation procedures to determine if an Applicable Student is/was eligible for special education services, gifted education, or for other accommodations such as a Service Agreement; permissions to evaluate or reevaluate; invitations to IEP or other meetings and related documents; IEPs, GIEPs, Service Agreements, positive behavior support plans, and revisions to such documents; progress reports; notices of recommended educational placement or prior written notice and related documents; manifestation determinations; any other information needed to be retained long-term for special education purposes; complaint investigation reports; mediation agreements; hearing officer decisions; and certain legal documents such as judicial orders or directives relating to custody, restraining orders, and protection from abuse orders.

3. Category C

Category C information includes information which has short-term value, or is not verified. Legal or clinical findings; mental health or outside agency reports; Student Assistance Program information; personality test results; psychiatric test results; raw data and test protocols used in evaluations and reevaluations; raw data, test protocols, and work samples used in progress monitoring; all other raw data, tests, quizzes, and student work; notes of IEP team members and draft IEPs; unverified reports of teachers or counselors; written or electronic communications between school staff members; and written or electronic communications sent to school staff by a Parent or other third party belong in this category.

Category C information may be transferred to Category B if they become verified or if their continued usefulness is apparent. The building principal and/or the Coordinator of Student Services shall annually (or more frequently) determine whether Category C information should be transferred to Category B, and whether the usefulness of any Category C information has ended.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

4. Category D

Personal records and notes created, maintained, and used strictly in accordance with Part 3(B)(4)(a) of this policy are not Education Records subject to this policy. These are the records which are classified as Category D.

B. *Location*

1. In General

Education records of an Applicable Student that might be necessary to the provision of education, education-related services, or extra-curricular activities or experiences to the Applicable Student during any given school year shall be maintained in the building to which the Applicable Student is assigned during that school year or a Student Records Maintenance Site accessible from that building. Education records of an Applicable Student that are essential to the day-to-day provision of education, education-related services, or extracurricular activities or experiences of an Applicable Student may be maintained in the personal possession, offices, or class rooms of a School Official with a Legitimate Educational Interest in the information.

See Parts 3(B)(6), (7), (10), (12), and (13) of this policy for important definitions relating to the maintenance of student records.

2. Discipline Records

The discipline record of an Applicable Student shall be maintained in the building to which the Applicable Student is currently assigned. Information furnished by the Office of Juvenile Probation in accordance with section 6341(b.1) of the Juvenile Act shall be maintained separately from other records concerning the Applicable Student.

3. Health Records

The health record of an Applicable Student shall be maintained in the nurse’s office or health suite in the building to which the Applicable Student is currently assigned, or in the personal possession of a nurse assigned to that building.

42 Pa. Cons.
Stat. § 6341(b.1)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

4. Special Education and Similar Plans

a. Copies of an Applicable Student’s current IEP, most recent multi-disciplinary team evaluation report, current service agreement or accommodation plan, and instructional support or child study team data and action plan shall be maintained in the building to which the Applicable Student is assigned.

b. Copies of the records and information described in subparagraph (a) above, together with other special education records that remain relevant to the education of the Applicable Student or the design and provision of educational programs in general or essential to the protection of the legal interests of the District shall be kept in the District office of special education.

5. Electronic Storage Systems

In addition to or in place of any of the locations identified in this Part 5(B), records may be maintained in a Student Records Maintenance Site accessible from the identified location. See Part 3(B)(13) of this policy.

C. *Transfer to Another Building*

When the building assignment of an Applicable Student changes from one building to another within the District, the education records of the Applicable Student described in Parts 5(B)(1), (2), (3), and (4)(a) of this policy shall be transferred to the new building in sufficient time to enable School Officials with a Legitimate Educational Interest in the education records to review such records, if necessary, prior to the arrival of the Applicable Student in the new building or as soon as possible thereafter.

D. *Conversion to Another Form or Storage Medium*

Nothing in this policy shall preclude the transfer or conversion of education records or information from one form or storage medium to another, so long as such transfer or conversion—

- 1. allows for similar accessibility of information to the Responsible Persons of an Applicable Student and to School Officials with a Legitimate Educational Interest in the education records or information;

73 Pa. Stat. Ann. § 2260.308(a), (d), 2260.501

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- 2. provides at least the level of security that could be obtained with physically locked conventional storage and, in the case of computer storage, conforms to the current standards established in the computer industry;
- 3. clearly reproduces educationally or legally necessary graphic information, handwriting, and signatures, and otherwise accurately reflects the information set forth in the record after it was first generated; and
- 4. allows for the use of an access and disclosure log in accordance with Part 5(E) of this policy.

E. Access and Disclosure Log

Every file or other item from which an Applicable Student’s education records may be accessed by or disclosed to persons or agencies other than a Responsible Person shall have as a part thereof (or be associated with) an access and disclosure log that shall be maintained for as long as the records in that file or other item are maintained, and which shall contain the following for each request for access and each disclosure, *other than* a disclosure to a Parent of the Applicable Student, an Eligible Student, or a School Official, or a disclosure of Directory Information:

- 1. The identity of the person or agency requesting access or to which access is granted or disclosure is made;
- 2. The purpose for which the request was made, access was granted, or disclosure was made;
- 3. The date of request, access, or disclosure;
- 4. The legitimate interests the parties had in requesting or obtaining the information;
- 5. The name or initials of the individual granting access or making the disclosure;
- 6. In the case of disclosures to persons who will make further disclosures or allow further access on behalf of the District (except under the circumstances of paragraph 7 below), the names of those persons, and the identity of the person or agency to whom or to which such further disclosure or access will be made or allowed, their legitimate interests in the information, and the specific purpose for making the disclosure; and

34 CFR §§
99.32, 300.614

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

7. In the case of certain federal officials or agencies or state or local education authorities authorized by law to make further disclosures of information from education records under 34 CFR § 99.33(b) who do not identify such disclosures under paragraph 6 above, those recipients must record the names of additional parties to whom they make further disclosures and their legitimate interests in the information. Those recipients must provide that record of further disclosures to the District upon request within a reasonable period of time not to exceed thirty (30) days. The District must request a copy of this record of further disclosures and make it available as part of a response to a request by a Responsible Person to review the access and disclosure log.

6. Inspection and Review

34 CFR §§
99.10(a),
300.613(a);
20 U.S.C. §
1415(b)(1)

A. By Responsible Person

Any Responsible Person for an Applicable Student shall have the right to inspect all education records maintained by the District with respect to the Applicable Student.

District employees who receive an oral request for such records shall endeavor to have the requestor put the request in writing, and shall report the incident to the principal of the building to which the Applicable Student was most recently assigned. Written requests shall be submitted to that building principal, except that written requests for only special education records may be submitted to the Coordinator of Student Services. The principal or Coordinator of Student Services will make arrangements for access and notify the Responsible Person of the time and place where the records may be inspected.

34 CFR §§
99.10(b),
300.613(a)

The District shall make every reasonable effort to ensure that requested records are provided to the Responsible Person within a reasonable period of time and without unnecessary delay. When the District receives a request to inspect and review education records of a Student with Disabilities in anticipation of a meeting of the IEP, service agreement, or multi-disciplinary team, or in anticipation of a due process hearing or resolution session, the District shall respond to such request within a reasonable time prior to the meeting or hearing. In no case shall the District comply with a request by a Responsible Person to inspect education records of an Applicable Student more than forty-five (45) calendar days after the date of the oral or written request.

34 CFR §
300.613(b)(3)

Third parties may accompany Responsible Persons to review the education records of an Applicable Student, which shall be noted on the access and disclosure log. A representative of the Responsible Person may also inspect and review the special education records of an Applicable Student

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

even if not in the presence of a Responsible Person, but only with the prior written informed consent of the Responsible Person in accordance with Parts 8(B) and (C) of this policy.

B. Copies in lieu of Inspection and Review

34 CFR §§
99.10(d),
300.613(b)(2)

If circumstances effectively prevent a Responsible Person from inspecting or reviewing the education record of an Applicable Student, or any portion thereof (*e.g.*, due to a disability or illness), the District shall provide the Responsible Person with a copy of the record subject to the request.

34 CFR §§
99.11, 300.617

Otherwise, copies *may* be provided at the discretion of the District. The District may charge a fee of twenty-five cents (25¢) per page for such copies requested by the Responsible Person, unless the Responsible Person can establish that requiring payment of the fee would effectively prevent the Responsible Person from inspecting or reviewing the education record of the Applicable Student. The District shall not charge a fee to search for or retrieve information in education records.

C. Explanation and Interpretation

34 CFR §§
99.10(c),
300.613(b)(1)

The District shall respond to all reasonable requests from a Responsible Person for an explanation or interpretation of information contained in an Applicable Student's education record.

D. Records Concerning Multiple Students

34 CFR §§
99.12(a),
300.615

When a Responsible Person seeks to inspect and review an education record which contains personally identifiable information concerning more than one student, the District shall provide access only to that portion of the record that pertains to the Applicable Student and redact the portion which refers to or concerns only a different student(s).

7. Challenges to Content of Education Records

A. Request

34 CFR §§
99.20,
300.618(a)

A Responsible Person has the right to request amendment of an Applicable Student's education records if he/she believes that any information contained therein is inaccurate, misleading, or violates the privacy or other rights of the Applicable Student. Such requests should be made in writing; if the Responsible Person makes a verbal request, the person to whom such request is made shall inform the Responsible Person of the need to make the request in writing. Requests for amendment of an Applicable

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Student's file should be directed to the principal of the building to which the Applicable Student was most recently assigned. However, requests for amendment of only special education records of an Applicable Student may be directed to the Coordinator of Student Services.

B. District Response

34 CFR
§§ 99.20(a), (b),
300.618(b)

Within a reasonable period of time not to exceed thirty (30) calendar days after the written request for amendment of an education record(s), the District administrator who is primarily responsible for the maintenance of a challenged education record shall provide written notification to the Responsible Person who made the request whether the District will amend the record.

If the District determines that it will grant the request to amend, in whole or in part, the notice to the Responsible Person shall either describe the amendment, which can include the expungement or deletion of records or information contained therein, or enclose a copy of the amended record.

34 CFR
§§ 99.20(c),
300.618(c),
300.619

If the District does not amend the record, or does not amend the record as requested, it shall inform the Responsible Person of its decision and the Responsible Person's right to request a hearing to challenge that decision.

C. Hearing

34 CFR §§
99.22(a), (b),
300.621

Within ten (10) calendar days after receipt of a request for a hearing to challenge a determination not to amend an education record of an Applicable Student as requested by a Responsible Person, the District shall notify the Responsible Person of the date, time, and location of the hearing. The notice shall be sent by certified mail, return receipt requested, or by similarly secure and verifiable means, in such time that the Responsible Person should be expected to receive it at least fourteen (14) calendar days before the hearing. The hearing shall be held within a reasonable time after the District's receipt of the request for a hearing from the Responsible Person.

34 CFR §§
99.22(c),
300.621

The hearing shall be held before the Superintendent or his/her designee, or if the Superintendent or designee has a direct interest in the outcome of the hearing, before the principal of the building to which the Applicable Student was most recently assigned, or his/her designee. If the principal or designee also has a direct interest in the outcome of the hearing, it shall be held before another administrator who does not have a direct interest in the outcome of the hearing as selected by the President of the Board of School Directors.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

| | | |
|--|--|--|
| 34 CFR §§ 99.22(d),300.621 | <p>The hearing shall be informal, unrecorded, and not subject to formal rules of evidence or procedure other than those required to maintain order. The Responsible Person shall be given a full and fair opportunity to present evidence in support of his/her position and may be assisted or represented at his/her own expense by one or more individuals of his/her own choice, including an attorney.</p> | 1 2 3 4 5 6 7 8 9 10 |
| 34 CRF §§ 99.21(a), 99.22(e), (f), 300.620(a) | <p><i>D. Written Decision</i></p> <p>The written decision of the hearing officer on whether or not to amend an education record of the Applicable Student as requested by the Responsible Person shall be based solely on the evidence presented at the hearing, shall include a summary of the evidence thus presented, shall include the reasons for the decision, and shall be provided to the Responsible Person within a reasonable period of time not to exceed thirty (30) calendar days after the completion of the hearing. An amendment shall be made, and may only be made, if and to the extent that the hearing officer determines that the information contained in the challenged education records is inaccurate, misleading, or violates the privacy or other rights of the Applicable Student.</p> | 11 12 13 14 15 16 17 18 19 20 21 22 23 24 |
| 34 CFR §§ 99.21(b)(1), 300.620(a) | <p>If the hearing officer decides to grant the Responsible Person’s request to amend an education record of the Applicable Student, in whole or in part, the written decision shall either describe the amendment, which can include the expungement or deletion of records or information contained therein, or have a copy of the amended record attached to the written decision.</p> | 25 26 27 28 29 30 31 |
| 34 CFR §§ 99.21(b)(2), 300.620(b) | <p>If the hearing officer’s decision does not amend the record, or does not amend the record as requested by the Responsible Person, it shall inform the Responsible Person of his/her right to place a statement in the education records of the Applicable Student commenting on the contested information in the education records, or explaining why the Responsible Person disagrees with the decision of the hearing officer, or both. <i>See also</i> Part 10(D) of this Policy (relating to filing a FERPA complaint with the federal government).</p> | 32 33 34 35 36 37 38 39 40 |
| 34 CFR §§ 99.21(c), 300.620(c) | <p><i>E. Statement by Responsible Person</i></p> <p>If a Responsible Person elects to place a statement in the education records of the Applicable Student as described in Part 7(D) of this policy, the District shall maintain any such statement with the contested part of the Applicable Student’s education record for as long as that education record is maintained, and shall disclose the statement whenever it discloses the</p> | 41 42 43 44 45 46 47 48 49 |

portion of the Applicable Student’s education record to which the statement relates.

8. Disclosure

65 Pa. Stat. Ann. § 67.101 *et seq.*, especially §§ 67.102 (public record), 67.306, 67.708(b); *cf.*, *Easton Area School Dist. v. Miller*, 232 A.3d 716 (Pa. 2020)

A. *Not a Public Record*

Education records subject to this policy, other than Directory Information contained within those records or those records after all personally identifiable information of any student has been redacted therefrom, are not considered to be “public records” subject to access or disclosure under the Pennsylvania Right to Know Law, or any similar law affecting public records.

B. *General Rule – Prior Written Consent*

34 CFR §§ 99.10, 99.11, 99.12, 99.30, 300.613, 300.622

In general, personally identifiable information from the education records of an Applicable Student shall not be disclosed or released to anyone other than a Responsible Person without the prior written consent of a Responsible Person, except as provided in Part 8(D) of this policy or as required by law.

All disclosures requiring written consent of a Responsible Person shall be made only once the consent has been received by the building principal and will be maintained with the Access and Disclosure Log for the file (*see* Part 5(E) of this policy).

The District may disclose group scholastic achievement data from which the individual cannot be identified.

34 CFR § 99.10(f)

Further, even though treatment records of an Eligible Student are not considered education records of that student under the definition of “Education Records” in 34 CFR § 99.3(b)(4), the Eligible Student may have those records reviewed by a physician or other appropriate professional of the Eligible Student’s choice, with the prior written consent of the Eligible Student.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

C. *Form of Consent*

34 CFR § 99.30

The prior written consent must contain: a date and any time limit for release, a description of the records to be disclosed, the purpose of the disclosure, the specific person, class of persons, or agency to whom the records shall be released, the name and signature of the Responsible Person granting consent, and the date of the signature. The prior written consent may be included in a record and signature in electronic form that (1) identifies and authenticates a particular person as the source of the electronic consent, and (2) indicates such person’s approval of the information contained in the electronic document.

D. *When Prior Written Consent Not Required*

Educational records of an Applicable Student may be disclosed by an authorized official of the District *without* prior consent of a Responsible Person in accordance with applicable law, including disclosures to:

1. School Officials

20 U.S.C. § 1232g; 34 CFR § 99.31

School Officials who have been determined by the District to have a Legitimate Educational Interest in the information contained within an education record of an Applicable Student. Accordingly, information from educational records may be shared as the District deems appropriate among District administrators, teachers, school counselors, nurses, support staff, coaches, intermediate unit personnel, and other employees, contractors, or volunteers who are working with the District.

2. Enrollment or Transfer to Another Educational Agency

34 CFR §§ 99.31(a)(2), 99.34

Officials of other educational agencies or institutions in which an Applicable Student seeks or intends to enroll or is enrolled, or from which an Applicable Student is receiving services, upon the condition that the disclosure is for purposes related the the enrollment or transfer, a reasonable attempt is made to notify the Responsible Persons of the disclosure, a Responsible Person may receive a copy of the records disclosed upon request, and a Responsible Person shall have an opportunity for a hearing under Part 7(C) of this policy to challenge the content of the record, upon request.

School Code §§ 1305-A, 1306-A, 1307-A

The District shall maintain updated records of all incidents of violence, incidents involving possession of a weapon, and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a District-wide and school-by-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

school basis. These records shall be forwarded to a school where the student transfers or seeks to enroll, without prior parental consent.

School Code § 1409

The District shall surrender the health records of an Applicable Student to a school or school district in Pennsylvania in which the Applicable Student enrolls. If the Applicable Student does not re-enroll in an elementary or secondary school in Pennsylvania, the District may surrender the Applicable Student’s health records or a portion thereof to a Parent.

3. Health or Safety Emergency

34 CFR §§ 99.31(a)(10), 99.32(a)(5), 99.36

Appropriate persons, including the parents of an Eligible Student, in connection with an emergency, if knowledge of the information is necessary to protect against an articulable and significant threat to the health or safety of the student or other individuals. The District shall utilize this exception to the consent requirements only where the health and safety emergency is imminent, the threat serious, and the need for information immediate, and shall record the nature of the emergency and the articulable and significant threat to health and safety and the names of the persons to whom disclosure was made in the Access and Disclosure Log (*see* Part 5(E) of this policy).

4. Investigation and Auditing

34 CFR §§ 99.31(a)(3), 99.35

To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the Pennsylvania Department of Education. Disclosures under this provision may be made, subject to the requirements of 34 CFR §§ 99.31(a)(3) and 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

5. Directory Information

34 CFR §§ 99.3, 99.31(a)(11), 99.37; 20 U.S.C. § 1232g

The District may disclose Directory Information from an Applicable Student’s education records without prior written consent of a Responsible Person, unless a Responsible Person objects in writing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

10 U.S.C. § 503;
20 U.S.C. §
7908; 51 Pa.
Stat. Ann. §
20222

All Responsible Persons may refuse consent for the general disclosure of Directory Information by completing the District's form to Request to Withhold Directory Information and returning it to the District by the date specified in the Annual Notice under Part 10(F) of this policy. The District is required to release certain Directory Information to military and higher education recruiters. However, any Responsible Person may notify the District in writing of their refusal for this information to be released by returning the District's form within the time limit specified in the District's notice. Questions about either form should be directed to the Superintendent at 201 North 14th Street, Catasauqua, PA 18032.

34 CFR §
99.37(c)

The right to refuse consent/opt out of disclosures of Directory Information may not be used to prevent the District from disclosing, or requiring the Applicable Student to disclose, the Applicable Student's name, identifier, or institutional email addresss in a class in which the Applicable Student is enrolled, or to prevent the District from requiring the Applicable Student to wear, display publicly, or disclose a student ID card or badge that exhibits Directory Informationt.

34 CFR §
99.37(b)

In the case of a former student, the District may disclose Directory Information without providing an annual notice or right to opt out of disclosure, *but* the District must continue to honor any valid request to opt out of the disclosure of Directory Information made while the former student was in attendance unless the student rescinds the opt out request.

6. Applicable Student

34 CFR §
99.31(a)(12)

The Applicable Student, even if he/she is not an Eligible Student.

7. Parent of a Dependent Student

34 CFR §
99.31(a)(8); 26
U.S.C. § 152

A Parent of an Eligible Student who is a dependent student as defined in section 152 of the Internal Revenue Code of 1986.

8. Accrediting Organizations

34 CFR §
99.31(a)(7)

Accrediting organizations in order to carry out their accrediting functions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

9. Judicial Order or Subpoena

In order to comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to contact each Responsible Person of the Applicable Student to notify them of the release of information in advance of compliance, so that a Responsible Person may seek protective action, *except* (a) where such notification is prohibited under the order or subpoena consistent with 34 CFR § 99.31(a)(9)(ii), or (b) when a Parent of the Applicable Student is a party to a court proceeding involving child abuse and neglect (as defined in the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding.

10. Court or Hearing Officer

To a court or hearing officer in the context of litigation between the District and a Parent(s) or Applicable Student when the information disclosed is relevant to the action or proceeding.

11. Juvenile Justice Authorities

To state or local juvenile justice authorities when specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve the Applicable Student prior to adjudication, provided, however, that any such authority must certify in writing to the District that such records will not be re-disclosed to any other party unless permitted by Pennsylvania law or by prior written consent of a Responsible Person.

12. Organizations Conducting Studies

Organizations conducting studies for, or on behalf of, the District to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations that have legitimate interests in the information, and such information will be destroyed when no longer needed for the purpose for which it is conducted.

Before making such a disclosure to an organization, the District shall enter into a written agreement with the organization that (a) specifies the purpose, scope, and duration of the study(ies) and the information to be disclosed, (b) requires the organization to use personally identifiable information from education records only to meet the purpose(s) of the study stated in the written agreement, and (c)

34 CFR §
99.31(a)(9); 20
U.S.C. §
1232g(b)(2)(B);
42 U.S.C. §
5101 note

34 CFR §
99.31(a)(9)(iii)

34 CFR §§
99.34(a)(5),
99.38

34 CFR
99.31(a)(6)

requires the organization to comply with the requirements of the previous paragraph of this Part 8(D)(12) of this policy.

13. Foster Care Placements

20 U.S.C. § 1232g(b)(1)(L)

To an agency caseworker, or other representative of a state or local child welfare agency who is authorized to access an Applicable Student’s case plan when such agency or organization is legally responsible, in accordance with state law, for the care and protection of the Applicable Student who is in foster care placement.

14. Healthy, Hunger-Free Kids Act

20 U.S.C. § 1232g(b)(1)(K)

To the U.S. Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

15. Other Circumstances

20 U.S.C. § 1232g; 34 CFR part 99

Under such other circumstances and to such additional persons and entities as may be permitted under the Family Educational Rights and Privacy Act and the regulations thereunder, or other applicable legislation.

E. Re-disclosure by Recipient

34 CFR § 99.33

Any disclosure made under Part 8(D) of this policy without prior written consent (except those under Part 8(D)(5), (6), (7), (9), or (10)) may be made only on the conditions that the recipient will not disclose the information to any other party without the prior written consent of a Responsible Person of the Applicable Student, and that the information will be used by the recipient’s officers, employees, and agents only for the purposes for which the disclosure was made. Notwithstanding the preceding sentence, an educational agency or institution may make further disclosure of the information on behalf of the District without prior written consent if the further disclosure also meets the requirements of law for disclosure without prior written consent, and the requirements concerning further disclosures set forth in either Part 5(E)(6) or Part 5(E)(7) of this policy are satisfied.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

F. To Law Enforcement Agency

The District shall transmit copies of the special education and discipline records of a Student with Disabilities to the law enforcement agency to which the District has reported a crime committed by such student, *but only with* the prior written consent of a Responsible Person for the student or under circumstances described in Part 8(D) of this policy where such prior written consent is not required.

G. Transcripts

Students may request copies of transcripts from the District at any time. Students will not be assessed a fee for copies of transcripts requested prior to September 1 of the calendar year in which the student graduates. After that time, three dollars (\$3.00) will be charged for each transcript requested. Payment may be made in cash, certified check, or U.S. Postal Service money order.

9. Destruction

A. In General

The District *may* destroy education records when they are no longer useful or needed to provide educational services to a student (as determined solely by the District), and the applicable time period for the maintenance of the records under Part 9(C) of this policy has elapsed. However, notwithstanding anything to the contrary in this policy, the District shall not destroy any record that is the subject of a request for access from a Responsible Person for an Applicable Student, or is relevant to or related to actual or potential litigation of which the District is aware (as determined solely by the District), or is necessary or convenient to protect the legal interests of the District (as determined solely by the District). In addition, no education records shall be destroyed before the end of any legally-applicable retention period. For example, a financial record of the District, including orders, bills, contracts, invoices, receipts, and purchase orders, shall be retained by the District for a period of no less than six (6) years. Similarly, certain early childhood/early intervention records must be retained for a seven (7) year period.

Nothing in this policy (other than Part 9(C)(4) relating to Category D information) shall *require* the destruction of an education record except when required by law.

See Part 3(B)(1) of this policy for the definition of “destroy”.

34 CFR §
300.535(b); PDE
Chapter 10
Guidelines for
Students with
Disabilities (re
Safe Schools)
(October 2015)

34 CRF §
99.10(e)

School Code §
518

22 Pa. Code §
405.62

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

B. Notice re Students with Disabilities

The District shall inform each Responsible Person for a Student with Disabilities when personally identifiable information collected, maintained, or used under the Individuals with Disabilities Education Act and the regulations thereunder is no longer needed to provide educational services to the Applicable Student. Such information must thereafter be destroyed at the request of a Responsible Person, as required by law. However, a permanent record of the Applicable Student’s name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and years completed may be maintained without time limitation. See Attachment No. 2 to this policy for a form for this notice. Unless requested by a Responsible Person, the information need not be destroyed within a reasonable time after the notice; it may be retained and only destroyed years later without providing another notice near the time of destruction. In other words, the notice is a notice that particular records are no longer needed to provide educational services, not a notice that records may or will be destroyed. One time this notice would normally be provided is when the student receives a regular high school diploma, the end of the school year in which the student attains age 21, or when the student otherwise leaves the District, whichever is earliest.

C. Student Record Retention and Disposition Schedule

1. Category A

An Applicable Student’s Category A information (see Part 5(A)(1) of this policy) shall be maintained in perpetuity.

2. Category B

In the case of an Applicable Student who is/was a Student with Disabilities or a gifted student within the meaning of 22 Pa. Code chapter 16, and in order to comply with state compliance monitoring requirements, the Applicable Student’s Category B information (see Part 5(A)(2) of this policy) shall be maintained until at least six (6) years after the end of the last school year in which the Applicable Student received special education services or gifted education from or on behalf of the District, subject to Part 9(B) above

In the case of any other Applicable Student, the Applicable Student’s Category B information shall be maintained until at least four (4) years after the Applicable Student graduated from the District, or, if the Applicable Student did not graduate from the District, until at least the end of the school year in which the Applicable Student attained age twenty-one (21) years. Health records of such an Applicable

34 CFR §
300.624; *Letter to Zacchini*, 69 IDELR 188 (US DOE OSERS February 27, 2017)

School Code §
1409

Student need to be maintained only until at least two (2) years after the Applicable Student ceased to be enrolled in the District.

3. Category C

An Applicable Student’s Category C information (*see* Part 5(A)(3) of this policy) shall be maintained at least until it has been determined that their usefulness has ended. At the time that any particular record is determined to be no longer useful, it should generally be destroyed. Category C information should be reviewed at least annually to determine continued usefulness.

4. Category D

An Applicable Student’s Category D information (*see* Part 5(A)(4) and Part 3(B)(4)(a) of this policy) must be destroyed when their usefulness is no longer apparent or when the Applicable Student is no longer provided educational services by or on behalf of the District.

10. Miscellaneous

A. Interpretation

It is the policy of the District to comply with all applicable provisions of federal and Pennsylvania law governing the maintenance of records and other personally identifiable information and the privacy rights of students and their families. To the extent that any provision of this policy is construed as or found to be inconsistent with federal or state law, that provision shall be null and void.

B. Training

The Superintendent or his/her designee shall ensure that that all persons collecting or using personally identifiable information or responsible for the maintenance of any education records are aware of the provisions of this policy and applicable federal and state laws and regulations and receive regular training concerning their requirements.

C. Access Controls and Listing

When feasible, the Superintendent or his/her designee shall provide for the use of physical or technological access controls to ensure that access to education records by School Officials is limited to information in which the School Officials have a Legitimate Educational Interest.

34 CFR §
300.623(c)

34 CFR §
99.31(a)(1)(ii)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

34 CFR §
300.623(d)

The District shall maintain, for public inspection, a current listing of the names and positions of those District employees who have access to personally identifiable information in education records of Students with Disabilities.

D. Missing Child Registration

35 Pa. Stat. Ann.
§§ 450.402-A,
450.403-A,
450.404-A

A “missing child” notation shall be placed on the education records of an Applicable Student under the age of eighteen (18) years who has been reported to the District as lost, abducted, missing, or a runaway by a law enforcement agency. The notation shall be removed when the District is notified by the law enforcement agency that the Applicable Student has been recovered.

In the event the District receives a request for information from a student’s education records which have a “missing child” notation, the District shall make an effort to obtain information to identify the requester, and shall contact the investigating law enforcement agency to coordinate the response. No information contained in the records shall be released to the requester prior to contact with the investigating law enforcement agency. All requirements of this policy shall be satisfied in order to permit any review or disclosure of information in education records.

E. FERPA Complaint

34 CFR §99.63

A parent or eligible student may file a complaint alleging a violation of FERPA or the regulations thereunder at the following federal office: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605. (Formerly known as the Family Policy Compliance Office.)

F. Annual Student Records Notice

34 CFR §§ 99.7,
99.33(d), 99.37;
20 U.S.C.
§7908(a)(2)(B);
10 U.S.C.
503(c)(1)(B)

Annually, and upon initial student enrollment, the District shall provide to all Responsible Persons for all students currently in attendance in the District’s schools, a notice of their rights under the Federal Educational Rights and Privacy Act, the regulations thereunder, and this policy as provided in Attachment No. 1 to this policy. The District shall provide the notice by means that are reasonably likely to inform the Responsible Person of his/her rights. (If mailed, the mailing address for any Responsible Person shall be deemed to be the current residential address of the Applicable Student on the records of the District, unless the District has reason to believe that is not the case or the Responsible Person has directed the District to use a different address.)

The District shall provide effective notification of the rights stated in Attachment No. 1 if a Responsible Person is disabled or has a primary or home language other than English.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49

Student Records Notification of Rights — Parents and Eligible Students

The Family Educational Rights and Privacy Act (FERPA) and Pennsylvania law affords parents and students who are 18 years of age or older (“eligible students”) certain rights with respect to the student's education records. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the Catasauqua Area School District (“District”) receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The principal 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, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend an educational record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and 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 provide written consent before the District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA permits the disclosure of PII from student’s education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

In particular, the District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials whom the District has determined to have legitimate educational interests. A school official is a person employed by the District as a teacher, counselor, administrator, supervisor, instructor, coach, a member of the clerical or support staff (including health or medical staff and law enforcement unit personnel), or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the District, performs an institutional service or

function for which the District would otherwise use its own employees, who is under the direct control of the District with respect to the use and maintenance of PII from education records, and is subject to the requirements of § 99.33(a) governing the use and redisclosure of PII from education records, such as an attorney, auditor, medical consultant, or therapist.

A school official has a legitimate educational interest in specific information or records relating to a student when the person needs the information or records to fulfill the duties of his/her position with or for the District, the District desires that the person access, consider, or act upon the information or records in fulfilling the duties of his/her position with or for the District, and the information or records either (a) are presently or potentially relevant to the design or provision of instruction or other education, education-related services, testing, or assessments, behavior interventions and strategies, or extracurricular activities or experiences to a particular student, groups of students, or to whole schools, grades, or the student population of the District at large; (b) are necessary or useful to protect the health, safety, or welfare of the student or others with whom the student might have contact; or (c) are necessary or useful to permit actions that may only be taken legally by the Board of School Directors, or when the education or treatment of the student is the subject of present or potential litigation or legal dispute.

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2)) The District will make a reasonable attempt to notify the parent or student of the records request prior to the disclosure of information and will provide the parent with a copy of the record if so requested.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the Pennsylvania Department of Education. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
 - To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
 - To comply with a judicial order or lawfully issued subpoena, if applicable requirements are met. (§ 99.31(a)(9))
 - To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
 - Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11)) *See* further information in part 5 below about the disclosure of “directory information.”
 - To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
 - To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))
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 name and address of the Office that administers FERPA are:

Student Privacy Policy Office
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202

5. The right to refuse to permit the designation and disclosure of any or all of the categories of directory information otherwise selected by the District.

The District is permitted by law to disclose directory information without written consent of the parent or eligible student. However, the parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information (except for limited disclosures authorized under § 99.37(c)) **if a written refusal is forwarded to the building principal by October 1 of the current school term** (or, if the student did not enroll until after the start of the current school term, 30 days after the date of enrollment).

The primary purpose of directory information is to allow the District to include information from a student’s education records in certain school publications. Examples include: (a) a playbill showing the student’s role in a drama production; (b) the annual yearbook; (c) honor roll or other recognition lists; (d) graduation programs; and (e) sports activity sheets, such as for wrestling, showing weight and height of team members. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can

generally also be disclosed to outside organizations without a parent's or eligible student's consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

The District has designated the following information as directory information:

- Student's name, address, electronic mail address, and photograph.
 - Names of the student's parents and siblings.
 - Student's age and place of birth.
 - Student's gender identification.
 - Participation in officially recognized activities, clubs, and sports.
 - Weight and height of members of athletic teams.
 - Grade level.
 - Dates of attendance, and schools attended within the District.
 - Whether the student graduated and the date of graduation.
 - Honors and awards received.
 - The most recent previous educational agency or institution attended by the student.
 - A student ID number, user ID, or other unique personal identifier that is displayed on a student ID badge or used by a student for purposes of accessing or communicating in electronic systems, *but only if* the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user. No other student ID numbers or personal identifiers, nor the student's social security number, shall be considered "directory information".
6. The right to request that certain information not be provided to military recruiting officers or institutions of higher education. Under Pennsylvania law, the names, addresses, and home telephone numbers (if published) of secondary school students must be released to military recruiting officers by the first day of a student's senior year *unless* the student has given the Superintendent a written request to exclude his/her name from the disclosure list before the release of the list. The list shall not be released earlier than 21 calendar days after the end of the student's junior year. Federal law also requires the District to provide student names, addresses, telephone numbers, and any school-provided student electronic mail addresses to military recruiters and institutions of higher education upon request, unless a parent of the student or the eligible student requests that such information not be released without prior written consent.

7. The District may charge a fee of twenty-five cents (25¢) per page for providing a copy of education records to a parent or eligible student, although this fee may be waived in the case of financial hardship.
8. You may obtain a free copy of the School District's complete Student Records Policy, Policy No. 207, at the school district web site, www.cattysd.org (from the home page go to District / CASD Policies / 207), or by contacting the Office of the Superintendent at 610-264-5571.
9. If you do not understand any of this notice, you may contact the Office of the Superintendent at 610-264-5571 who will arrange for an explanation. If you are disabled or have a primary or home language other than English, the District will arrange for communication of this notice in a mode and/or language you normally use.

Attachment No. 2 to Policy 207 – Notice re Students with Disabilities

Dear Parent or Guardian, or Student age 18 or older (“eligible student”):

We are required to notify you when special education records that we are maintaining concerning students with, or thought to have, disabilities are no longer needed to provide educational services to the student (“no longer educationally relevant”). The following is intended to notify you of when the Catsasauqua Area School District (“District”) considers certain records to be no longer educationally relevant:

- All test protocols and other raw data used as part of an evaluation or reevaluation will be considered no longer educationally relevant on the implementation date of a new evaluation report.
- All IEP progress monitoring data will be considered no longer educationally relevant as of the date on which such data are reported to parents, guardians, or the eligible student in a progress report or IEP present educational levels.
- All notes of IEP team members and draft IEPs, if any, will be considered no longer educationally relevant as of the date that the IEP to which such notes or drafts pertain is issued to the parents, guardians, or the eligible student.
- All Permissions to Evaluate or Reevaluate, Invitations to IEP or other meetings and related documents, Evaluation or Reevaluation Reports, IEPs, positive behavior support plans, progress reports, manifestation determinations, Notices of Recommended Educational Placement and related documents, Complaint Investigation Reports, Mediation Agreements, and Hearing Officer Decisions will be considered no longer educationally relevant at the conclusion of the sixth (6th) year after the end of the last school year in which the student received special education services from or on behalf of the District.

Parents, guardians, and eligible students have the right to request, in writing, that the District destroy any or all records deemed no longer educationally relevant. The District, at its discretion, may also destroy such records without further notice to parents, guardians, or students.

You should note that some of a student’s education records (such as the IEP) may be needed by the student or parents for other purposes, such as accommodations for employment or higher education, public benefits and insurance, and private insurance. Before these records are destroyed, you may want to exercise your right to access the records and request copies of the records that you will need to acquire post-District benefits in the future.

You may obtain a free copy of the School District’s complete Student Records Policy, Policy No. 207, at the District web site, www.cattysd.org (from the home page go to District / CASD Policies / 207), or by contacting the Office of the Superintendent at 610-264-5571.

If you have any questions concerning any of the information contained in this notice, please contact _____ at _____.

Thank you.

[Name and title of person sending notice.]