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| Book | Policy Manual |
| Section | 200 Pupils |
| Title | Education Records |
| Code | 216 |
| Status | Active |
| Adopted | November 15, 2011 |
| Last Revised | November 21, 2023 |

## 1. Definitions

The following terms as used in this policy shall have the following meanings:

1.1 *Directory information*. The name, address, telephone number, electronic mail address, date and place of birth, names of parents and siblings, dates of attendance, whether the student graduated and the date of graduation, awards received, participation in district-approved extracurricular activities, weight and height of interscholastic athletic team members, photographs, schools attended within the district, and student identification number, user identification number, or code when such number or code cannot alone be used to access education records, without some other identifier known only to the authorized user of an electronically accessed information system or database.[1][2]

1.2 *Disclose; disclosure*. Permit access to or release, transfer, or otherwise communicate to any person or entity, by any means or medium, personally identifiable information contained in the education record of the student.[2]

1.3 *Education record*. Any personally-identifiable information recorded or stored by any means—including, but not limited to, information that is handwritten, typed, printed, or stored on computer media, microfilm, microfiche, video or audio tape, film, or digital medium—that is directly related to the student and is maintained by the district or by an individual or agency acting on behalf of the district regardless of the current location of such record. The term does not include the following:[1][2][3][4]

a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons—including, but not limited to, instructional support teachers, counselors, therapists and clinicians, school psychologists and psychiatrists, nurses, and instructional aides—that are kept in the sole possession of the maker of the record and the contents of which are not accessible or revealed to any other person except a substitute for the maker of the record;

b. Records that contain only information about the student after s/he is no longer a student in the district or receiving district-supported education;

c. Grades and other forms of peer assessment or rating before they are collected and recorded by a teacher; and[5]

d. Other records specifically excluded from the definition of "education record" under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation, 34 C.F.R. Part 99.[1][2]

1.4 *Eligible student*. A present or former student who has attained the age of eighteen (18) or a former student who is attending an institution of post-secondary education.[2]

1.5 *Emancipated minor*. A student below the age of twenty-one (21) who has chosen to establish a domicile apart from the continued control and support of parents or guardians. The term includes a minor living with a spouse.

1.6 *IEP*. Individualized education program.[6]

1.7 *Service Agreement*. A written plan of adaptations or modifications, or both, developed for a student with disabilities who is eligible for protection under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, but who is not eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.*[7]

1.8 *Maintain* or *maintained.* In the case of personally identifiable information on paper or stored on magnetic or video tape, the term shall mean information kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally identifiable information that is stored electronically, including electronic mail, the term shall mean information kept in 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 electronic mail server or servers, or directory or directories, 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. Personally identifiable electronic information, including electronic mail, shall not be considered to be "maintained" by the district or by any individual or agency acting on behalf of the district unless and until it is moved to or stored in or on a "student records maintenance site."[8][9]

1.9 *Parent*. The biological or adoptive parents of a student, regardless of residency or physical custodial status; the legal guardian or guardians of a student; or an individual acting as a parent in the absence of a natural parent or guardian, unless the right of any such person to receive personally identifiable information has been terminated or restricted by order of court.

1.10 *Personally identifiable information*. Any one or more of the following:[2]

a. The student's name;

b. The name, including maiden names, of any member of the student's family;

c. The current or past address, or the date or place of birth, of the student or any member of the student's family;

d. A personal identifier such as a social security number, student number or code, or biometric information consisting of one (1) or more measurable biological or behavioral characteristic that can be used for automatic identification of an individual;

e. Information that, alone or in combination, is linked or linkable to a specific student such that a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, could use such information to identify the student with reasonable certainty; or

f. Information requested by a person whom the educational agency or institution reasonably believes knows the identity of the student to whom such information relates.

1.11 *School official with a legitimate educational interest*. Any employee, officer, agent, consultant, or contractor of, or any volunteer acting on behalf of:

a. The district,

b. The intermediate unit,

c. A vocational technology school, or

d. Any public or private school or facility that the district is using or is proposing to use to provide elementary or secondary education to the student in place of a public school, who is or will be responsible for providing or supervising the provision of education, education-related services, or extracurricular activities or experiences to or for the student, when:

i. Particular information concerning that student is 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 student, to particular groups of students, or to whole schools, grade-levels, or the student population of the district at large, regardless of whether the student is part of the group or population that will be affected; or

ii. Such information is necessary to protect the health, safety, or welfare of the student or others with whom the student might have direct or indirect contact.

The phrase also applies to clerical staff of the agencies enumerated above who are responsible for the maintenance and security of education records and to attorneys, consultants, and School Board members when School Board action concerning the student is required by law or when the education or treatment of the student is the subject of present or potential litigation or legal dispute. When the "school official with a legitimate educational interests" is not an employee of the district, such individual may receive "personally identifiable information" only when s/he 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 only when such individual is prohibited from redisclosure of such information to any other party without written parent or eligible student consent.

1.12 *Secure file*. A student or subject-specific compilation of information stored on paper, audio or visual tape, microfiche, microfilm, computer storage disk or removable drive, or similar medium that can be maintained in a physically segregated form that is maintained in a locked file drawer, cabinet, or desk or, if unlocked, in the immediate custody and control of the custodian thereof, or a student or subject-specific compilation maintained on a computer storage system to which access is limited by security software that conforms to current computer industry standards.

1.13 *Student with disabilities*. A student age three (3) through twenty-one (21) who has or is thought to have one (1) or more of the disabilities described in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, or any preceding or succeeding legislation, or a student of school age who has or is thought to have a disability as defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794.[6][7]

## 2. Collection, Maintenance, and Destruction of Education Records

Collection -

2.1 The district shall collect and maintain the types of records described in the following subparagraphs (a) through (c) and may collect and maintain records described in following subparagraphs (d) through (j):[8][9][10][11][12][13][14][15]

a. Core data, consisting of the name of the student; last known address and domicile within the district of the parents or guardians of the student or, if the student is emancipated, of the student; the birth date of the student; the course, subject area, or project work completed by the student and the level of achievement attained; the last grade attended or the date of graduation and type of diploma issued; and attendance data;

b. Discipline and law enforcement records, including the sworn statement or affirmation of suspension or expulsion required at registration and the record of incidents of violence maintained in a form prescribed by the Pennsylvania State Police as required under Section 1307-A of the Pennsylvania Public School Code, 24 P.S. § 13-1307-A, and, in a file maintained separately from other records concerning the student, information from the Office of Juvenile Probation concerning adjudications of delinquency;[11][12][13][16]

c. 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 parents or guardians;[17][18]

d. Student work samples 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 student participated; and non-cumulative report cards;

e. Guidance department, psychologist, and student assistance team records, although personal records and notes maintained strictly in accordance with Section 1.3(a) of this policy are not considered records subject to this policy;

f. Results of vocational and 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;

g. Reports of and other information describing or summarizing the results of individual testing and assessment 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;[6][7]

h. 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;

i. Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in district-approved extracurricular activities; and

j. 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 extracurricular activities or experiences.

2.2 By adoption of this policy, the district Board of School Directors gives consent for the collection of records and information described in Subsections (a), (d), and (e) of Section 2.1 of this policy.

2.3 By adoption of this policy, the district Board of School Directors gives consent for the collection of records and information described in Subsections (b), (c), and (f) of Section 2.1 of this policy, unless the collection of such records and information is accomplished by use of a survey, analysis, or evaluation that requires or encourages the student to reveal:[3][19]

a. Political affiliations or beliefs of the student or the student's family;

b. Mental or psychological problems of the student or the student's family;

c. Sexual behavior or attitudes;

d. Illegal, anti-social, self-incriminating, or demeaning behavior;

e. Critical appraisals of persons with whom the student has close family relationships;

f. Information protected by legal privilege;

g. Income, unless income information is required by law to determine eligibility for participation in a program of assistance;

h. Religious practices, affiliations, or beliefs of the student or the student's family.

When a survey, analysis, or evaluation is used to obtain such information, the district shall obtain prior informed consent in writing and in a form consistent with Section 2.6 of this policy. For purposes of this policy, the phrase "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 the course of the counselor-student, psychologist-student, teacher-student, or nurse-student relationship when the student initiates the contact or otherwise participates in it voluntarily. Consent otherwise required by this Section 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.

2.4 To collect records and information described in Subsection (g) of Section 2.1 of this policy, the district shall obtain prior informed consent in writing and in a form consistent with Section 2.6 of this policy.

2.5 To collect records and information described in Subsections (h) and (i) of Section 2.1 of this policy, other than reports and other documents provided by parents or other agencies, the district shall obtain prior informed consent in writing and in a form required by applicable state or federal law or, in the absence of a specific applicable law, in a form consistent with Section 2.6 of this policy. 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 parents and, when required by law, the student to participate in the development of such document shall constitute an adequate means of obtaining consent to develop the document, even if the parents or student do not participate in the meeting at which the content of the document is discussed. The description in an action plan, IEP, or service agreement or accommodation plan of a means of data collection or ongoing progress monitoring or assessment shall suffice to allow such activities without need for additional written consent.

2.6 When state or federal law does not specifically prescribe the form for obtaining prior written consent as required by this policy, such consent shall be obtained by mailing to the residence of record, as established in accordance with Section 4 of this policy, or by hand delivery to the parent or emancipated minor a written consent form that complies with the following requirements and is received within a reasonable time prior to the information collection activity for which consent is sought:

a. The form shall use language that a layperson can readily understand and shall be written in the native language of the parent or emancipated minor 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 parent or emancipated minor that consent is required to proceed with the information collection activity or activities proposed; shall contain an assurance that such activity or activities 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 number of a contact person whom the parents or emancipated minor can contact to obtain additional information or seek clarification concerning the proposed activity;

e. The form shall provide a space for the parent or emancipated minor to elect whether to grant or withhold consent by marking one (1) of two (2) clearly-worded options and by signing their name.

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

a. Request a certified copy of the student's disciplinary record and a copy of the student's health record from the public or private school the student last attended;

b. Request all other current records, including special education records, necessary to ensure that the student is placed in appropriate classes at the appropriate grade level and that the district is able to meet all obligations to the student under state and federal law.

Maintenance — Time -

2.8 Core data of the kind described in Subsection (a) of Section 2.1 of this policy shall be maintained for a period of six (6) years beyond the school year during which the student to whom such data pertains attains age twenty-one (21). The following additional records shall also be maintained as "core data" for this period:

a. For students with disabilities or who are identified as mentally gifted, copies of the first and last evaluation reports of the multi-disciplinary team, the notice of recommended assignment or educational placement, or similar document by which the parents of the student initially consented to the provision of special education services, and the first and last IEP, last notice of recommended assignment or educational placement, and the summary of performance developed for the student;[20]

b. For students receiving accommodations or modifications to instruction or other activities under a service agreement or accommodation plan, copies of the first and last such plan and the notice by which the parents of the student initially consented to the provision of

accommodations or modifications;

c. For students evaluated to determine eligibility either for special education services in accordance with state and federal law or for accommodations or modifications in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who were determined to be ineligible, copies of all evaluation reports supporting the determination of ineligibility and of all notices by which the parents of the student indicated agreement with such determination.[6][7]

2.9 Health records of the sort described in Subsection (c) of Section 2.1 of this policy shall be maintained for a period of at least two (2) years beyond the date on which the student ceases to be enrolled in the public schools of the district.[18]

2.10 For students identified with disabilities or identified as mentally gifted, or for students who were evaluated and not so identified, a copy of all records identified in Subsections (b) through (g) of Section 2.1 of this policy shall be maintained for a period of at least six (6) years from the conclusion of the school year during which such records were made or received by the district;[6][20]

2.11 All other education records described in Section 2.1 of this policy shall be maintained as long as the information contained therein remains relevant to the education of the particular student or to the design and provision of educational programs in general or as long as such information remains essential to the protection of the legal interests of the district. The district alone shall determine whether education records remain relevant to education or essential to the protection of legal interests.

Maintenance — Location -

2.12 Education records that might be necessary to the provision of education, education-related services, or extracurricular activities or experiences to a student during any given school year shall be maintained during that school year in a secure file located in the building to which that student is assigned during that school year. Education records that are essential to the day-to-day provision of education, education-related services, or extracurricular activities or experiences may be maintained in a secure file in the personal possession, offices, or classrooms of school officials with a legitimate educational interest therein.

2.13 The discipline record of a student shall be maintained in a secure file in the building to which that student is currently assigned. Information furnished by the Office of Juvenile Probation in accordance with Section 6341(b.1) of the Juvenile Act, 42 P.S. § 6341(b.1), shall be maintained in a secure file separately from other records concerning the student.[16]

2.14 The health record of a student shall be maintained in a secure file in the nurse’s office or health suite in the building to which that student is currently assigned or in the personal possession or office of the nurse assigned to that building.

2.15 Copies of a 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:

a. In a secure file in the building to which the student is currently assigned; and

b. In a secure file in the district office of special education, together with other special education records that remain relevant to the education of the particular child or the design and provision of educational programs in general or essential to the protection of the legal interests of the district.

2.16 In addition to or in place of any of the locations identified in subsections 2.12 through 2.15, records may be maintained in a secure electronic storage system or site, whether located locally or remotely, specifically designated by the Superintendent or his or her designee as a "student records maintenance site." The district electronic mail server or servers, or directory or directories, 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.

Maintenance — Transfer and Conversion -

2.17 When a student assignment changes from one (1) building to another within the district, the education records described in Sections 2.12, 2.13, 2.14, and 2.15 of this policy, including the separately maintained information from the Office of Juvenile Probation, shall be transferred to the new building in sufficient time to enable school officials with a legitimate educational interest to review such records, if necessary, prior to the arrival of the student in the new building or as soon as possible thereafter.

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

a. Allows for similar accessibility of information to parents, eligible students, and school officials with a legitimate educational interest;

b. 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;

c. Clearly reproduces educationally or legally necessary graphic information, handwriting, and signatures; and

d. Allows for the use of an access and disclosure log in accordance with Section 2.19 of this policy.

2.19 Every file from which access might be had by, or disclosure might be made to, persons or agencies other than the parents or the eligible student, shall have as part thereof an access and disclosure log that shall be maintained for as long as the records in that file are maintained and that shall consist of the following:

a. The identity of such person or agency to which access is granted to or disclosure made from the file;

b. The purpose for which access was granted or disclosure made;

c. The date of access or disclosure;

d. The name or initials of the person granting access or making the disclosure;

e. In the case of disclosures to persons who will make further disclosures or allow further access on behalf of the district, the identity of the person or agency to whom or to which, and the specific purpose for which, such further disclosure or access will be made or allowed; and

f. Any record of further disclosures made by state or federal agencies that are permitted to do so under law.

Destruction -

2.20 The district may destroy core data, special education, and health records once the applicable time period for maintenance of such records, as established in Sections 2.8, 2.9, and 2.10 respectively, has lapsed.

2.21 The district may destroy all other education records once it determines at its sole discretion that such records are no longer relevant to the education of the particular student or to the design and provision of educational programs in general or that such records are not essential to the protection of the legal interests of the district.

2.22 When the time periods described in Sections 2.8 and 2.10 of this policy have lapsed, and the district determines that any portion of the education record of a student with disabilities is or will be at a prescribed time no longer relevant to the education of the particular student, it shall so notify in writing either his/her parents or the student directly, if s/he is an eligible student, of this determination. The written notice shall be in the native language of the parents or the eligible student, shall be mailed to the last known address of the parent or the eligible student, and shall:[21]

a. Identify the specific records or categories of record that are no longer relevant;

b. Contain an explanation that the district shall destroy the records thus identified if a parent or the eligible student so requests and that the district may destroy such records without a request; and

c. Contain the name and number of a contact person whom the parents or eligible student can contact to obtain additional information about or seek clarification concerning the records thus identified.

If the parent or eligible student so requests in writing after receipt of the notice, the district shall destroy the education records thus identified or shall destroy them at the prescribed time at which they are no longer relevant.

2.23 A record is "destroyed" for purposes of this policy when, at a minimum, all personally identifiable information is removed from it or is otherwise obscured or obliterated. Nothing in this policy shall require the destruction of an education record except under the conditions described in Section 2.22 of this policy.

2.24 The district shall not destroy any record that is the present subject of a request for access from a parent or eligible student.

**3. Amendment of Records and Due Process**

3.1 A parent or eligible student may request in writing that the district amend any portion of an education record that s/he believes is inaccurate, misleading, or in violation of the student's right to privacy. If a parent or eligible student makes such a request verbally, the person to whom such request is made shall inform the parent of the obligation to make such request in writing. [1][2]

3.2 Within thirty (30) school days of the receipt of the written request to amend the education record, the administrator who is primarily responsible for maintenance of the challenged record shall notify the parent or eligible student in writing of whether the district will amend the record. If the district determines that it will grant the request to amend, the notice to the parent or eligible student 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. If

the district determines that it will not amend the record, the notice shall so inform the parent or eligible student and shall contain a statement explaining that the parent or eligible student has the right to request in writing a hearing before a disinterested school official to challenge the determination not to amend.

3.3 Within ten (10) school days of receipt of a request for a hearing to challenge a determination not to amend an education record, the district shall notify the parents or eligible student of the date, time, and location of the hearing. The notice shall be mailed certified, return receipt requested, or by similarly secure and verifiable means, in such time that the parent or eligible student receives it at least five (5) school days before the hearing. The hearing shall occur within thirty (30) days of receipt of the request for the hearing from the parent or eligible student.

3.4 The hearing shall be held before the Superintendent or his/her designee or, if the Superintendent or the designee has a direct interest in the outcome of the hearing, before the principal of the building to which the student is currently assigned or his/her designee.

3.5 The hearing shall be informal, unrecorded, and not subject to formal rules of evidence or procedure other than those required to maintain order. The parent or eligible student shall have a full and fair opportunity to present evidence in support of his/her position and may be represented at his/her expense by an adviser, including an attorney.

3.6 Within thirty (30) days of the completion of the hearing, the district shall issue to the parent or eligible student a written decision concerning the amendment of the record that shall either:

a. Describe the amendment, which can include the expungement or deletion of records or information contained therein, or

b. Explain the reasons for denying the request to amend and inform the parent or eligible student of the right to place a statement in the education record of the student commenting on the contested information in the record or explaining why s/he disagrees with the decision not to amend, or both.

The written decision shall be based solely on the evidence presented at the hearing and shall summarize the evidence thus presented and the reasons for the decision to amend or refuse amendment.

3.7 If the parent or eligible student chooses to submit a statement in the education record of the student commenting on the contested information in the record or explaining why s/he disagrees with the decision not to amend, the district shall:

a. Maintain such statement as part of the record for as long as the district maintains the contested record or information; and

b. Disclose the statement whenever it discloses that portion of the record to which the statement pertains.

**4. Access and Disclosure**

Access -

4.1 Education records subject to this policy, other than those records or portions of records that contain "directory information," are not considered "public records" subject to access or disclosure under the Pennsylvania Right to Know Law, 65 Pa. C.S. §§ 67.101-67.3104, or any similar law affecting public records.[22]

The district shall allow the parents or eligible student to inspect and review the education record of the student within forty-five (45) calendar days of receipt of a verbal or written request to do so. District staff shall make every reasonable effort to ensure that requested records are provided to the parents at the earliest possible date.

4.2 The district shall respond to all reasonable requests from the parents or eligible student for an explanation or interpretation of information contained in the education record.

4.3 If circumstances effectively preclude the parents or eligible students from inspecting or reviewing the education record, or any portion thereof, the district shall provide the parents or the eligible student with a copy of the record subject to the request. When copies are not required to ensure that the parents or the eligible student has the opportunity to inspect and review the education record, the district may charge a fee of twenty-five cents ($0.25) per page to copy requested portions of the education record, unless the parents or the eligible student can establish that they are financially unable to pay the amount thus charged.

4.4 When the district receives a request to inspect and review the education record 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, the district shall respond to such request within a reasonable time prior to the meeting or hearing, the time allowed by Section 4.1 of this policy notwithstanding.

4.5 When parents or an eligible student seek to inspect and review a record that contains personally identifiable information concerning more than one (1) student, the district shall provide access only to that portion of the record that pertains to the student in question.

4.6 School officials with a legitimate educational interest may at any time inspect and review, and obtain copies of, the education record and personally identifiable information in which they have such interest.

Disclosure -

4.7 Any disclosure of personally identifiable information concerning a student to any person other than the parent, the eligible student, or school officials with a legitimate educational interest, shall require the prior written consent of the parent or the eligible student. Any document providing such consent shall:

a. Identify the particular portions of the education record or the particular information or types of information concerning the student that shall be disclosed;

b. Identify the person or agency to whom or to which disclosure will be made; and

c. Contain the signature of at least one (1) parent or the eligible student, and the date of such signature.

4.8 Prior written consent from the parent or the eligible student is not required when the disclosure of education records or information is to one (1) of the following persons or agencies under the following circumstances:

a. To an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records, as long as:

    i. The parent or eligible student is provided on request with a copy of the records thus disclosed; and

ii. The parent or eligible student is afforded on request a hearing as described in Section 3 of this policy; and

iii. The disclosure is for purposes related to the student's enrollment or transfer.

b. To appropriate parties in connection with an articulable and significant health or safety emergency, when such disclosure is necessary to protect the health or safety of the student or others; provided, however, that for each such disclosure, the district shall maintain a record indicating:

i. The articulable and significant threat that justified such disclosure; and

ii. The parties to whom the district disclosed such information.

c. To state and federal educational and other agencies for purposes of investigation and auditing, when those agencies are bound by the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;[1]

d. To persons seeking directory information, when:

i. Parents and eligible students have received notice in the form of the annual publication of this policy in a newspaper of general distribution or a school publication of the policy of the district to disclose directory information without parental consent; and

ii. The parent or the eligible student objecting to the release of such information without consent has not notified the district in writing on or before the first day of the school term that they object to the disclosure of some or all of the information designated in Section 1.1 of this policy as "directory information".

e. To the student who is not an eligible student;

f. To the parents of an eligible student who remains a "dependent student" as defined in the Internal Revenue Code;

g. To accrediting organizations to carry out their accrediting functions;

h. To comply with the terms of a judicial order or lawfully-issued subpoena, when the district has made reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, unless the terms of a judicial order bar such notification;

i. To a court or administrative hearing officer in the context of litigation between the district and the parents or the eligible student, when the information disclosed is relevant to the action or proceeding and when the district has made reasonable effort to notify the parent or eligible student of the intent to disclose such information;

j. To armed forces recruiters seeking such information, a list of the names, addresses, and, if available, telephone numbers of all students expected to graduate high school at the end of the school term during which, or in anticipation of which, such request is made; provided, however, that such disclosure shall be subject to the limitations established by law and this policy upon the disclosure of directory information;

k. To state or local juvenile justice authorities when such disclosure is in accordance with an Act of the Pennsylvania General Assembly and enables the juvenile justice system to serve effectively and prior to adjudication of the student to whom the records pertain; 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 state law or unless written parent or eligible student consent is obtained;

l. To organizations conducting studies for, or on behalf of, the district to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, when:

i. The organization conducting the study does not permit access to personally identifiable information to any party other than representatives of the organization who have a legitimate educational interest in that information;

ii. The information is destroyed when no longer needed for the purposes for which the study was conducted; and

iii. The organization enters into a binding agreement with the district under which the organization is obligated to adhere to the requirements of this policy; that defines the purposes, scope, and duration of the study and the information to be disclosed to the organization; and that limits the use of the disclosed information to the purposes expressly identified in the agreement.

m. Under such additional circumstances and to such additional persons and agencies as are permitted by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation.[1][2]

4.9 Any disclosure made in accordance with paragraph 4.8 of this policy shall be made under the explicit condition that the party to which or to whom such disclosure is made shall not redisclose such information to any other party without written parent or eligible student consent, unless the record of the original disclosure identifies the additional parties to whom such disclosure is to be made under Section 4.8 of this policy and the legitimate interest that such additional parties have in such information, or unless such original disclosure is to state or federal agencies in accordance with the requirements of Sections 99.32(b) and 99.33(b) of the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. §§ 99.32(b) and 99.33(b). [2]

4.10 Copies of all special education and discipline records of a student currently identified as a child with a disability within the meaning of the Individuals with Disabilities Education Act shall be transmitted to a law enforcement agency to which the district has reported a crime committed by such student; provided, however, that prior to transmission of such records, the district shall obtain written consent from the parent or eligible student as required by, and in accordance with the provisions of, Section 4.7 of this policy or that such transmission is permitted without such consent in accordance with the provisions of Subsections (b), (h), or (k) of Section 4.8 of this policy.[21][23]

## 5. Miscellaneous Provisions

5.1 The policy of the district is to comply in full with the requirement of state and federal 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, the district will treat that provision as null and void. The Superintendent or his/her designee shall ensure that all persons responsible for the maintenance of any student record are aware of the provisions of this policy and receive regular training concerning its requirements. 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 with a legitimate educational interest in them is limited to that information in which those officials have a legitimate educational interest.

5.2 The district shall send or deliver all notices and requests for consent required under this policy to the address identified as the residence of the child in the registration information maintained by the district. Unless it receives specific written information to the contrary, the district shall presume that all persons with authority to make educational decisions for the student have received or had the opportunity to review and respond to notices and requests sent or delivered to such address. The district will send notices and requests to separate addresses only when:

a. A person with joint authority to make educational decisions for the student, such as a divorced or separated natural parent or guardian, resides at that separate address; and

b. That person notifies the district in writing that s/he is not receiving or has not had the opportunity to review and respond to notices and requests sent to the residence to which the student is registered.

**6. Public Notice**

6.1 Annually, at least thirty (30) days prior to the beginning of the school term, the district shall publish to all parents of students currently in attendance and to all eligible students currently in attendance a complete copy of this policy in English and Spanish. The following notice shall precede the text of this policy and shall appear with the heading in boldface type or other similarly conspicuous format:[24]

**NOTICE OF IMPORTANT RIGHTS**

Concerning the Maintenance, Access to, and Amendment and Disclosure of Education Records by the Fleetwood Area School District

Printed below is the full text of the Education Records Policy of the Fleetwood Area School District. This policy contains information of importance to students attending public schools and public school sponsored programs. Several provisions of this policy warrant careful attention:

Designation of certain records containing personally identifiable information as "directory information." In Section 1.1 of this policy, the district designates certain kinds of information as "directory information." The district will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. If you do not want the district to disclose such information, *you must so notify the district in writing on or before the first day of the school term, which is* _____*.* Your written notice must identify the specific types of directory information that you do not want the district to disclose without consent. If you fail to notify us in writing by the first day of the school term, we may release directory information upon request and without consent.

Disclosure of records containing personally identifiable information to other schools and institutions. Section 4.8(a) of this policy allows the district to disclose personally identifiable information concerning a student to an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records, as long as the disclosure is for purposes related to the student's enrollment or transfer.

Access to records by school officials with a "legitimate educational interest." Section 4.6 of this policy allows school officials with a legitimate educational interest to have access to personally identifiable information without parent or student consent. In Section 1.8 of this policy, the district designates those persons who have a "legitimate educational interest" that would allow such access to education records.

Amendment of education records. Section 3 of this policy describes how a parent or a student who has attained the age of eighteen (18) can request that records be amended. This Section also describes in detail the right of the parent or eligible student to request a hearing to challenge a decision by the district not to amend records that the parent or student believes are inaccurate, misleading, or in violation of the student's right to privacy.

Complaints to the United States Department of Education. Complaints concerning alleged failure of the district to comply with the requirements of the Family Educational Rights and Privacy Act may be addressed to the United States Department of Education as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

RESIDENTS OF THE FLEETWOOD AREA SCHOOL DISTRICT WITH CHILDREN IN PUBLIC SCHOOL OR WHO ATTENDED PUBLIC SCHOOL IN THE DISTRICT IN THE PAST SHOULD READ THE FOLLOWING POLICY CAREFULLY FOR A FULL EXPLANATION OF THEIR PRIVACY RIGHTS AS A PARENT OR STUDENT.

Legal

1. 20 U.S.C. 1232g
2. 34 CFR Part 99
3. 20 U.S.C. 1232h
4. 34 CFR Part 98
5. Owasso Indep. School District v. Falvo, 534 U.S. 426, 122 S.Ct. 934 (2002)
6. Pol. 113
7. Pol. 103.1
8. 22 PA Code 12.31
9. 22 PA Code 12.32
10. 24 P.S. 510
11. 24 P.S. 1305-A
12. 24 P.S. 1306-A
13. 24 P.S. 1307-A
14. 24 P.S. 1409
15. 24 P.S. 1532
16. Pol. 216.1
17. Pol. 203
18. Pol. 209
19. Pol. 235
20. Pol. 114
21. Pol. 113.4
22. Pol. 801
23. Pol. 113.5
24. 34 CFR 99.7