

FERPA NOTICE

STUDENT RECORDS POLICY NOTICE

The Board of Education (Board) of the Wallenpaupack Area District (District) recognizes the need to protect the confidentiality of personally identifiable information in the educational records of students. It is the intent of this Annual Notice and policy to inform both parent(s)/guardian(s) and eligible children (i.e. students 18 and older) of their rights relevant to their privacy rights in the collection, maintenance, release and destruction of these records as required by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.'1232g, 34 C.F.R. Part 99 and the No Child Left Behind Act of 2001. For more information see also the District's student records Policy.

Annual notice of this policy is given on the District's website, in building handbooks and hard copies are available in the administration office. Educational Records include records directly related to a student that are maintained by the School District. The Educational Records of the District may include all of the following (this list is not intended to be exhaustive): grades, standardized test results, student evaluation reports, samples of student work, records transferred from sending schools, discipline records, medical records and any other records created and maintained by the school district directly related to the student. Educational records do not include communications with legal counsel that are attorney client privileged. Educational Records do not include records maintained solely by the creator for their personal use, not shared with others. The contents of a student's educational file shall be determined by the District unless a specific parental request is made or a complaint is made, consistent with this Notice.

The District shall permit the parent/guardian(s) of a student or an eligible special education student, who is or has been in attendance in the District, to inspect and review the education records of the student upon written request. The District will comply with a written request to review records within a reasonable period of time (never to exceed 45 calendar days from the date of written request) after the request has been made. In special cases and where necessary, a parental request to review records will be granted and arranged as soon as possible. Visits to review a student's education records shall be arranged and facilitated by the building principal or designee, or any party selected by the District, for the purposes of security and assistance in explaining or interpreting the data. The right to inspect and review education records includes:

1. The right to a response from the District to reasonable requests, made in writing, for explanation and interpretations of the record; and
2. The right to obtain copies of records from the District where failure of the District to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records (e.g. where the parent lives too far to come review the records personally).

A reasonable fee of .25 will be charged per page for duplicate copies of documents already provided to Parents.

In accordance with FERPA the District will not produce or compile documentation that does not already exist.

It is presumed by the District that both natural parent/guardian(s) of a student has authority to inspect and review the education records of the student at the school in the child attendance area unless there is evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

Under federal law, parental consent is not required for the release of Directory Information, which is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

The District designates the following as Directory Information: the student's name, address, telephone number (with the exception of unlisted telephone numbers), date and place of birth, grade level, most recent school attended, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, honor rolls, photo and awards received. A written record of this information, or microfilm copy of the same, including grade level completed and year completed, may be maintained at least 100 years after a student attains age 21. A parent/guardian or eligible student may notify the District in writing of their refusal to allow the District to release directory information without prior consent. Such written refusal for consent must be sent to Dr. Jay Starnes, Assistant Superintendent, 2552 Route 6, Hawley, PA 18428.

Pursuant to Section 9528 of the No Child Left Behind Act, the District is required to release student directory information to military recruiters. Any parent/guardian or student who has reached age eighteen may notify the District in writing of their refusal for this information to be released. Letters seeking the withholding of information to military recruiters should be sent to:

Dr. Jay Starnes
Assistant Superintendent,
2552 Route 6
Hawley, PA 18428.

Per federal guidance, student medical records, maintained by the nurses' office, are considered educational records and will be shared with staff who the district determines have a legitimate educational interest in the information and a need to know medical information to protect the safety and health of the student. Once provided to the District, specific parental consent will not be sought to share information on a need to know basis. Parental requests to maintain the confidentiality of specific medical information must be made in writing to the nurses' office. Requests for complete confidentiality of medical information will be granted at the discretion of the school nurse and/or the school medical advisor. These requests will be granted unless dangerous to the student.

The District shall obtain the written consent of the parent(s)/guardian(s) of a student or a student age eighteen before disclosing personally identifiable information, other than directory information, from the education records of a student to a third party. Consent is not required where the disclosure is to the parent/guardian(s) of a student who is not an eligible student or the student himself or herself.

The district may disclose personally identifiable information from the education records of a student without written consent of the parent/guardian(s) or the student or the eligible student in several situations. See 34 C.F.R. Part 99. Some important examples of when no consent to release information include (list not exhaustive):

1. To other school officials, including teachers, guidance counselors, nurses, and I.U. personnel within the District who have been determined by the District to have legitimate educational interests or are providing instruction or services to students. The District has determined that all school employees involved in the direct supervision of a student (academic or non-academic) (including support staff) have a legitimate education interest in academic and health related student information if the information is necessary to ensure appropriate fulfillment of their professional duties and to ensure the health and safety of the student.
2. To officials of another school or school system or post-secondary schools in which the student seeks or intends to enroll, subject to the requirements set forth in 99.34. Parents may request a copy of the record sent.

3. To appropriate parties in a health or safety emergency, subject to the conditions set forth in 99.31 (a)(10) and 99.36, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
4. Information designated by the District as Directory Information. When providing records to authorized third parties, the District will make a reasonable attempt to notify the parent/guardian(s) of the student or the eligible student of the transfer of the records at the last known address of the parent(s)/guardian(s) or eligible student. Per state law, the District will not provide any notice of transfer of records of a student to a school in which a student seeks or intends to enroll.

PLEASE NOTE: THIS POLICY PROVIDES RESIDENT STUDENTS AND THEIR PARENTS WITH NOTICE THAT THE DISTRICT MAY DESTROY RECORDS UNDER THE FOLLOWING CIRCUMSTANCES AND TIMELINES:

- A. Records that include a student's name, address, grades, attendance records, classes attended, grade level completed and year completed may be destroyed once 100 years have passed since the student's 24th birthday.
- B. Special Education records, Section 504 records, Instructional Support Team (IST) records, and health records may be destroyed once 10 years have passed from the date a student has graduated or reached graduation age (if exiting the district before graduation) as long as there is no outstanding request to inspect and review the records and the records are no longer deemed useful to the school district.
- C. Notice of destruction of these records is provided annually via this publication. Educational records of a student are no longer needed by the District to provide educational services at the end of one year following a student's graduation from the District. A parent/guardian may submit a written request for the destruction of all education records at that time.
- D. Destruction will proceed where parents or eligible students have not requested copies by November 1st of the year the records may be destroyed as per paragraphs A&B above. Parents or students over eighteen have the right to request a copy of their record before destruction. Parents are reminded that copies of the records might be needed for the acquisition of Social Security benefits or for other purposes.

Amendment of Education Records

A Parent/guardian or eligible student has the right to request amendment of a student educational file if it is believed that any information is inaccurate, or in violation of a student rights. The educational agency shall decide within a reasonable time whether to amend the record. If the school district decides not to amend the educational record it shall notify the parent/student of the right to and arrange an informal hearing. The hearing will be conducted by an official of the District without an interest in the outcome, who will be either the Assistant Superintendent for Elementary or Secondary Education or their designee. The Parent may present relevant evidence. The District will issue a written decision based on the hearing.

Complaints regarding violation of rights accorded parent(s)/guardian(s) and eligible students with respect to student records are to be submitted to Dr. Jay Starnes, Assistant Superintendent, 2552 Route 6, Hawley, PA 18428 in writing. All Complaints will be investigated and responded to in writing within a reasonable period of time. If complaints cannot be satisfactorily resolved by the District, complaints can be filed with the following:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

Questions regarding the above information or requests for a copy of the records policy may be referred to: Dr. Jay Starnes, Assistant Superintendent, 2552 Route 6, Hawley, PA 18428.