BOARD POLICY

216 Student Records

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Authority

The Board recognizes its responsibility for the collection, retention, disclosure and protection of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records and prohibits the unauthorized access, reproduction, and/or disclosure of student education records and personally identifiable information from such records.[1][2][3][4][5][6][7][8][9][10][11][12][13]

The Board shall adopt a comprehensive plan for the collection, maintenance and dissemination of student education records that complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the District and revised as required by changes in federal or state law and regulations.

Copies of the student records plan shall be submitted to the Department of Education, upon request.

Definitions

Attendance - includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.[14]

Directory information - information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized school activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.[11][14]

Directory information does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a student ID number, user ID, or other unique personal identifier displayed on a student ID card/badge or used by the 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 (PIN), password, or other factor known or possessed only by the authorized user.

Disclosure - permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party, except the party that provided or created the record.[14]

Education records - records that are directly related to a student, maintained by the School District or by a party acting for the School District.[11][14]

The term does not include:

1. Records kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another individual except a temporary substitute for the maker of the record.

2. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.

3. Grades on peer-graded papers before they are collected and recorded by a teacher.

4. Other records specifically excluded from the definition of education records under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

Eligible student - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. All rights accorded to and consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student. In cases where an eligible student is dependent upon the parent as defined in the Internal Revenue Code, the District shall make the education records accessible to the parent of said student.[14][15]

Parent - includes a natural parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. The District shall give full rights to either parent unless the District has been provided with evidence that there is a state law, court order, or a legally binding document governing such matters as divorce,

separation, or custody that specifically revokes these rights.[14][16]

Personally identifiable information - includes, but is not limited to:[14]

1. The name of a student, the student's parents or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's Social Security Number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. 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 circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

Student - includes any individual who is or has been in attendance at the District and regarding whom the District maintains education records.[14]

Delegation of Responsibility

The superintendent or designee shall be responsible for developing, implementing and monitoring the students records plan.

All District personnel having access to student education records shall receive training in the requirements of Board policy, student records plan, and applicable federal and state laws and regulations as directed by the superintendent.

Each District teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.[5] **[17] [18]**

Guidelines

The District's plan for the collection, retention, disclosure and protection of student records shall provide for the following:

1. Safeguards to protect the student records when collecting, retaining and disclosing personally identifiable information.

2. Ensuring that parents and eligible students, including those who are disabled or have a primary language other than English, are effectively notified of their rights and the procedures to implement those rights, annually and upon enrollment.[19]

3. Procedures for the inspection, review, and copying of a student's education records by parents and eligible students. The District may charge a fee for copies of records that are made for parents so long as the fee does not effectively prevent parents from exercising their right to inspect and review those records.The District shall not charge a fee to search for or to retrieve information in response to a parental request.[20][21][22]

4. Procedures for requesting the amendment of a student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.[23]

5. Procedures for requesting and conducting hearings to challenge the content of the student's education records.[24][25]

6. Enumerating and defining the types, locations and persons responsible for education records maintained by the District.

7. Determining the types of personally identifiable information designated as directory information.[14][26]

8. Establishing guidelines for the disclosure and redisclosure of student education records and personally identifiable information from student records.[27]

9. Reasonable methods to ensure that School District officials obtain access to only those education records in which they have a legitimate educational interest. Such methods shall include criteria for determining who constitutes a School District official and what constitutes a legitimate educational interest.[19][28]

10. Maintaining required records of requests for access and each disclosure of personally identifiable information from each student's education records.[29]

11. Ensuring appropriate review, retention, disposal and protection of student records.

12. Transferring education records and appropriate disciplinary records to other School Districts.[1]

Student Recruitment

Procedures for disclosure of student records and personally identifiable information shall apply equally to military recruiters and postsecondary institutions and shall comply with law and Board policy. **[30]**

Missing Child Registration

A missing child notation shall be placed on school records of a student under the age of eighteen (18) reported as missing to school officials by a law enforcement agency. Such notation shall be removed when the School District is notified by the appropriate law enforcement agency that a missing child has been recovered.[31]

In the event the District receives a request for information from the school records of a missing child, the District shall:[32]

1. Attempt to obtain information on the identity of the requestor.

2. Contact the appropriate law enforcement agency to coordinate a response.

No information in the records shall be released to the requestor without first contacting the appropriate law enforcement agency.

Legal Footnotes

[1] 24 P.S. 1305-A
LEGAL REFERENCE

[2] 24 P.S. 1306-A
LEGAL REFERENCE

[3] 24 P.S. 1402
LEGAL REFERENCE

[4] 24 P.S. 1409
LEGAL REFERENCE

[5] 24 P.S. 1532
LEGAL REFERENCE

[6] 24 P.S. 1533
LEGAL REFERENCE

[7] 22 PA Code 4.52
LEGAL REFERENCE

[8] 22 PA Code 12.31
LEGAL REFERENCE

[9] 22 PA Code 12.32
LEGAL REFERENCE

[10] 22 PA Code 15.9
LEGAL REFERENCE

[11] 20 U.S.C. 1232g
LEGAL REFERENCE

[12] 34 CFR Part 99
LEGAL REFERENCE

[13] 34 CFR Part 300
LEGAL REFERENCE

[14] 34 CFR 99.3
LEGAL REFERENCE

[15] 34 CFR 99.5
LEGAL REFERENCE

[16] 34 CFR 99.4
LEGAL REFERENCE

[17] Pol. 213 — Assessment of Student Progress
POLICY REFERENCE

[18] Pol. 215 — Promotion and Retention
POLICY REFERENCE

[19] 34 CFR 99.7
LEGAL REFERENCE

[20] 34 CFR 99.10
LEGAL REFERENCE

[21] 34 CFR 99.11
LEGAL REFERENCE

[22] 34 CFR 99.12
LEGAL REFERENCE

[23] 34 CFR 99.20
LEGAL REFERENCE

[24] 34 CFR 99.21
LEGAL REFERENCE

[25] 34 CFR 99.22
LEGAL REFERENCE

[26] 34 CFR 99.37
LEGAL REFERENCE

[27] 34 CFR 99.30-99.39
LEGAL REFERENCE

[28] 34 CFR 99.31
LEGAL REFERENCE

[29] 34 CFR 99.32
LEGAL REFERENCE

[30] Pol. 250 — Student Recruitment
POLICY REFERENCE

[31] 35 P.S. 450.403-A
LEGAL REFERENCE

[32] 35 P.S. 450.404-A
LEGAL REFERENCE