

**No. 216-AR
SCHOOL DISTRICT OF
SPRINGFIELD TOWNSHIP
ADMINISTRATIVE RULE**

216-AR. PROCEDURES FOR THE ADMINISTRATION OF STUDENT RECORDS

These procedures are designed to protect the rights of the student and his/her family as specified in the Family Educational Rights and Privacy Act of 1974.

Parents and eligible students who believe these guidelines do not protect their rights as stated in the Family Educational Rights and Privacy Act of 1974 may file a complaint with the United States Department of Education.

Parents are notified annually of the policies and procedures of the School District ("the District" or "SDST") regarding student education records and the rights of parents under both State and Federal law concerning confidentiality of education records of all students. Each year all District personnel are instructed in the implementation of the federal, state and local policy requirements regarding collection and use of education records. A current listing is maintained of the names and position of District employees who are authorized to have access to education records.

As a general rule and as required by law, data collected from students will have prior informed consent from the student and/or parent. This consent is either representational or individual. Representational consent is given through the Board of School Directors. All students and parents are notified before the appropriate district testing program begins each year what group tests will be administered. The district testing program includes group intelligence, aptitude and achievement tests. Individual consent is given by each student and/or parent in writing before individual tests of personality and assessment are administered. Individual consent must also be given before school authorities gather individual family data other than that required for pupil identification. Examples of such data are: ethnic origin, religious belief, family income, husband-wife relations, etc.

I. DEFINITIONS

- A. **Student** means any individual who is or has been in attendance at SDST and for whom the SDST maintains records.

- B. **A parent** means a parent, natural or adoptive, of a student, a guardian, or an individual legally acting as a parent of a student in the absence of a parent or guardian.

- C. **An emancipated student** is a minor child who is released from legal subjection to his/her parents. A married student attending high school and living apart from either set of parents and subsisting in whole or in part upon his/her own earnings should be considered emancipated.
- D. **Category "A" Data (also know as Directory information)** includes the following information relating to a student: the student/family members' names, address, telephone number, electronic mail address, photograph, date and place of birth, years of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.
- E. **Category B Data:** Include the following categories to the extent it is verified information of clear importance, but not absolutely necessary to the school over time, in helping the child or protecting others.
1. Scores on standardized intelligence and aptitude tests.
 2. Interest inventory results.
 3. Health data/speech, hearing and vision screenings, absence notes
 4. Family background information.
 5. Systematically gathered counselor and teacher ratings and observations
 6. Job and college applications.
 7. Verified reports of serious or recurrent behavior patterns which must be unambiguously described and clearly verified before becoming part of any continuing record.
 8. Records pertaining to exceptional students provided in accordance with 22 Pa. Code Chapter 14.
 9. Other routinely collected information specified by representational consent.
- F. **Category C Data:** Includes potentially useful information, but not yet verified or clearly needed beyond the immediate present.
1. All category B listings which have not been verified or identified as having clear importance.
 2. Unevaluated reports of teachers, counselors and others which have been shared with other school personnel.
 3. Unevaluated reports of disciplinary investigations.
- G. **Category D Data:** Not in Educational Records or readily accessible to anyone other than the creator. They may include:

1. Records created or maintained by
 - a. teachers
 - b. counselors
 - c. psychologists
 - d. school physicians
 - e. psychiatrists
 - f. home and school visitors/social workers

H. **Destruction** means the physical destruction or permanent removal of personally identifying data from the education records of a student so that the information in those records is no longer personally identifiable.

I. **Disclosure** means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, by electronic means or by any other means to any party.

J. **Educational Agency** includes the following entities:

1. A school district or an intermediate unit and component part thereof which collects, maintains or uses a student's education records containing personally identifiable information or from which records or information is obtained;
2. A private school (including an approved private school and components thereof) which, with regard to an exceptional student who is enrolled or has been enrolled in the approved private school as an approved placement student according to section 1376 of the Public School Code of 1949 and the regulations, standards and guidelines thereunder, collects, maintains or uses the exceptional student's education records containing personally identifiable information or from which records or information is obtained.

K. **Education Records** means those records which:

1. Are directly related to a student, and
2. Are maintained by an educational agency or institution or by a party acting for the agency or institution.

They do not include:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary hereto which are in the sole possession of the maker thereof and which are

not accessible or revealed to any other person except a substitute;

- b. In the case of persons who are employed by an educational agency or institution, but who are not students at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or
 - c. Records on a student who is eighteen years of age or older which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.
- L. **Eligible Student** means a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education.
- M. **Exceptional Student** means an individual of school age who is determined by an IEP team, based upon recommendation in a multi-disciplinary evaluation, to need special education.
- N. **Personally Identifiable Information** includes the name of the student, the student's parent or other family member, the address of the student, and a personal identifier, such as the student's social security number or telephone number or other information which would make the student's identity easily traceable.
- O. **School Officials** refers to administrators, teachers, and pupil services personnel who have legitimate educational interest and who are directly responsible for the instruction or the health and safety of students while in attendance at the school.

II. COLLECTION

- A. No information concerning a student, his/her parent, guardians, or family will be collected without prior informed consent of the parent or guardian, with the following exceptions:

1. When the student reaches the chronological age of eighteen (18), his/her informed consent alone must be obtained. This includes the right to deny parental access to records.
2. When the student is less than eighteen (18) years of age, informed consent of the student's parent(s) or guardian(s) or surrogate(s) must be obtained.
3. The prior informed consent of students who have reached the age of eighteen (18) or their parent(s) or guardian(s) or surrogate(s), not representational consent as specified in these guidelines, must be provided for the gathering of the following types of information under the supervision of a certified school psychologist:
 - a. Individual educational assessments administered by a certified school psychologist or other certified personnel;
 - b. Personality tests and inventories administered by a certified school psychologist;
 - c. Family background information (including either origin, religious beliefs and other personal information);
 - d. Interviews by school psychologists, social workers and psychiatrists, when necessary; and
 - e. Reports of agencies and practitioners outside the educational system.
4. When the child has reached eighteen (18) years of age and when the child's teacher, special education supervisor, and district school psychologist responsible for the child in conjunction with a coordinator of psychological services have behavioral observations that lead to a reasonable doubt about the student's emotional or mental capacity to understand the implications of his/her giving consent for gathering information, the parents or guardians or surrogates of the student should provide individual informed consent in writing.

B. Prior informed consent is not required if the following conditions are met:

1. The Board, as elected representatives of the residents of the School District, may provide consent for the gathering of certain types of information as specified below. Such representational consent will suffice in lieu of student, parental, guardian or surrogate consent for the collection of the following types of information:
 - a. Directory information;

- b. Parents' or guardians' or surrogates' name, address, phone number, place of work;
 - c. Administration of group aptitude and achievement tests and collection of group scores;
 - d. Grades on teacher-prepared tests relating to subject matter curriculum;
 - e. Grades on report cards;
 - f. Vocational skill assessment;
 - g. Speech, hearing and vision screening devices; and
 - h. Such other information that is routinely collected and deemed necessary by the Superintendent or a designee, provided it has been specified through the above representational consent procedures.
2. When representational consent is provided by the Board, students and parents or guardians or surrogates must be notified in writing of such representational consent provided by the Board. Students and their parents or guardians or surrogates may appeal the Board's decision of such representational consent to the appropriate judicial authority.

Student information gathered for a specific purpose may be used for no other purpose unless appropriate representational consent or individual consent is obtained.

III. MAINTENANCE/DESTRUCTION OF DATA IN EDUCATIONAL RECORDS

A. Category A Data:

1. Kept in perpetuity.
2. Permanent record card to be micro-filmed or electronically stored five years after date of graduation with information in Category B deleted.

B. Category B Data:

1. All unnecessary Category B data are removed from the student's files at periodic intervals. For example, unless a compelling reason exists to justify retention, records should typically be destroyed when the student transitions to the middle or senior high school and when the student leaves school.
2. All Category B data are destroyed five years after date of graduation.
3. The destruction of records of exceptional students is subject to the following condition:

- a. The District shall inform the parents of a student when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services to the student.
 - b. Information no longer relevant to and necessary for the provision of education services to the student shall be destroyed by the District upon the request of the parents. A written record of a student's name, address, telephone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for at least 100 years beyond the date the student attains the age of 24.
 - c. Nothing in this section requires a District to destroy education records, except as stated in paragraph b.
 - d. The District shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed, prior to the destruction of the information referred to in paragraph b.
 - e. The District shall not destroy education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by the District.
4. Each year when students and/or parents are notified in writing regarding the representational consent aspect of the district's pupil record policy, they are informed as to the kinds of data included in Category B and their rights of access.
 5. All records of incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property are to be maintained at least until the student graduates.

C. Category C Data:

1. Data will be reviewed each year, and data no longer useful to the District will be destroyed unless transferred to Category B as set forth below. Upon graduation or after anticipated year of graduation all data will be destroyed.

2. When data are verified and meet the following conditions they will be transferred to Category B:
 - a. The continuing usefulness of the information is clearly demonstrated; and
 - b. The validity has been verified.
3. Testing protocols with respect to psychoeducational testing performed by District personnel should be routinely destroyed, unless needed for use in legal proceedings, within one year of the date of the testing. Prior notification to the parents or eligible student is not necessary.

D. Category D Data:

Maintenance/destruction of Category D data is within the discretion of the individual maintaining the records.

IV. ADMINISTRATION OF SECURITY

- A. Each building principal is responsible for record maintenance and access. Annually, the building principal or his/her designee will review all aspects of the pupil records policy and guidelines with his/her staff.
- B. Records in all categories will be secured in locked files or offices when not in use. Records stored electronically will be maintained in a secure database with access limited to those individuals with a legitimate educational interest in accordance with specific written guidelines.

V. DISSEMINATION OF DATA

The school will maintain a record of requests and disclosures for information from the student's education records of all parties who have obtained access to the student's record. This record, which indicates the legitimate interest the parties have in obtaining information from the student's record, may be inspected by the parent of the student or by the eligible student. The District does not have to record a disclosure of information in connection with disclosure pursuant to an ex parte order in connection with the investigation or prosecution of terrorism crimes. If a Grand Jury or law enforcement subpoena is issued, and if the issuing court or agency directs the District, then neither notification nor recordation requirements apply.

Discipline records for offenses involving weapons, alcohol, drugs or other violent acts must be sent by certified mail to a new school entity within ten (10) days, irrespective of whether or not the parents or student consent.

A. Category A, B and C Data:

Category A Data may be disclosed for purposes beneficial to the student and the school district without individual consent only with the approval of the district superintendent or superintendent's designee. The parent or an eligible student has the right to refuse the disclosure of any or all types of directory information by giving the school written notice within twenty (20) days of publication of the notice. Parents shall be given public notice relative to their rights at the beginning of the school year.

The District may, without consent of parents/guardians or students, release items in Category A, B and C Data:

1. To all professional personnel of the district (including independent contractors) (administrators, teachers, counselors, psychologists, social workers, and nurses) who have a legitimate education interest;
2. In compliance with a judicial order or others of administrative agencies where these agencies have the power of subpoena. The District must make reasonable efforts to notify parents and/or students of all such orders and the school's compliance. If, however, it is a Grand Jury Subpoena or a law enforcement subpoena if the issuing court or agency orders the District not to disclose, then neither notification nor recordation requirements apply;
3. To authorized representatives of the Comptroller General of the United States, the Secretary, Commission and Director of the National Institute of Education, or the Assistant Secretary of Education;
4. In compliance with an ex parte order in connection with the investigation or prosecution of terrorism crimes, the District must release to the Attorney General of the United States or designee;
5. If there is a Health or Safety Emergency (imminent danger to student(s) or member(s) of school community), these records can be released to appropriate parties if knowledge of the information is necessary to protect the health and safety of others.

Additionally, the District may, without consent of parents/guardians or students, release Category A and B Data only, to the following:

1. Officials of other schools to which a student transfers, upon condition that parents are notified of the transfer, receive a copy of the record if desired and have an opportunity to challenge the record.

2. Colleges and other post graduate schools into which the student seeks to be enrolled.

B. Category D Data:

Records maintained in Category D are not disclosed to anyone except in compliance with a judicial order, in connection with a legal proceeding involving the student's education, or an order of an administrative agency which has the power to subpoena. The District must make reasonable efforts to notify parents and/or student in advance of the school's compliance with all such orders.

VI. PARENT ACCESS RIGHTS

Parents are permitted, in the presence of a school official, to inspect, view or copy educational records relating to their child when the record is collected, maintained or used by the District. The District shall comply with the request without unnecessary delay within forty-five (45) days. State regulations require a response within thirty (30) days for records of exceptional students. If copies of records are requested, copying charges will be in accordance with schedules published by the District.

The District shall keep a record of parties who have obtained access to those education records of a student that are collected, maintained or used by the District. The access record shall include the name of the party, the date access was given and the purpose for which the party was allowed to use the records.

- A. The right to inspect, review or copy education records under this section includes:
 1. The right of a parent of an eligible child to request of and receive from the District a reasonable explanation of information contained in the education records of the child;
 2. The right of a parent to be provided, on request, with a copy of all or part of the education records of the child; and
 3. The right of a parent to designate a representative who will inspect, review or copy the records.
- B. A parent has the right to request a list of the types and the location of child's educational records collected, maintained or utilized by the District.
- C. The District shall require the parents to put into writing the following:

1. Their oral requests to inspect, review, copy or receive copies of education records;
 2. Their oral designations of a representative;
 3. Their oral requests for a list under paragraph (B).
- D. If an education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.
1. A parent has the right to copy from or receive a copy of an education record originally containing information on more than one child.
 2. Prior to the parent's copying or receiving a copy of a record on more than one child, the District shall delete, remove or obscure from the record or its copy personally identifiable information concerning any child who is not the child of the parent.
- E. In cases involving separation in which the law views both parents as legal guardians, both the natural parent with whom the child resides and the natural parent with whom the child does not reside enjoy the same rights and privileges regarding review of and access to student records, absent a court order to the contrary.
- In case of divorce, unless there are extenuating or limiting circumstances, both natural parents retain the legal right to review of student records. In cases where the divorce decree limits the rights of the non-custodial parent with respect to visitation or knowledge of the child, the non-custodial parent shall be denied access to the child's records. The burden to produce the court order to deny access is on the parent seeking to deny access. To protect the interests of the School District, when a divorced non-custodial parent requests access to a child's records, that parent shall be requested to complete a **RECORDS ACCESS AFFIDAVIT**, a copy of which is made part of this administrative procedure. The completed affidavit shall be retained in the student's permanent record file.
- F. A request for review of the student's records by a parent or student should be directed to the principal in the elementary school and to the counselor in the secondary school.

VII. PARENTS RIGHT TO REQUEST AMENDMENT OF EDUCATIONAL RECORDS

A. Request To Amend Education Records

1. The parent of a student or an eligible student who believes that information contained in the education records of the student is

inaccurate or misleading or violates the privacy or other rights of the student may request in writing that the school district amend the record.

2. The school district shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time, but in no case more than forty-five (45) days after receipt of the request. This determination shall be made by:
 - a. The building principal or a designee if there is agreement between the parent and building principal to amend the education records; or
 - b. The Superintendent or a designee if there is disagreement.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and the reasons for refusal in writing and advise the parent of the eligible student of the right to a hearing.

B. Right To A Hearing

1. The school district shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is inaccurate, misleading or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted according to the prescribed procedure given in these administrative regulations.
2. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
3. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reason for disagreeing with the decision of the school district.

4. Any explanation placed in the education records of the student under paragraph C. of this section shall be maintained by the school district as part of the education records of the student as long as the record or contested portion thereof is maintained by the Board. If the education records of the students or the contested portions thereof are disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct Of The Hearing

1. The hearing required to be held shall be conducted according to the following procedures:
 - a. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the school district receives the request for a hearing from the parent. The parent shall be notified in writing of the date, place, and time of the hearing, no later than five (5) days in advance of the hearing.
 - b. The hearing shall be conducted by the Superintendent of the school district or a designee who does not have a direct interest in the outcome of the hearing.
 - c. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
 - d. The school district shall make its decision in writing within a reasonable period of time after the conclusion of the hearing, but in no case more than thirty (30) days.
 - e. The decision of the Superintendent or designee shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. In cases of exceptional children, parents have rights under both PL 94-142 and Chapter 341 to complain to Pennsylvania Department of Education, Bureau of Special Education.

IX. COMPLAINT PROCEDURE

1. The school district shall inform parents of students or eligible students of their right to file a complaint regarding possible violations of their rights accorded them by the Family Educational Rights and Privacy Act of 1974. This complaint shall be submitted in writing to the Family Educational Rights and Privacy Act, Room

4074, Swatter Building, Department of Education, 330 C. St. SW, Washington, D.C. 20202.

2. The school district shall inform parents of their rights under both Public Law 94-142 and Chapter 341 to complain to the Pennsylvania Department of Education, Bureau of Special Education.
3. Parents shall also be informed that the decision of a school district records hearing can be appealed by initiating a pre- hearing conference as described in the Standards for Special Education.

X. ANNUAL NOTIFICATION OF RIGHTS

A. The School District shall give parents of students in attendance or eligible students in attendance at the school district annual notice by such means as are reasonably likely to inform them of the following:

1. Their rights in this plan, under the Family Educational Rights and Privacy act of 1974, the "No Child Left Behind Act of 2001", and the purposes of policy; the notice shall also inform parents of students or eligible students that copies of the policy may be obtained at

2. The right to file complaints concerning alleged failures by the School District to comply with the requirements of the above laws and of this plan.

The Superintendent shall provide for effective notification of parents or students identified as having a primary or home language other than English.

Adopted: February 4, 2003