

MIDDLETOWN AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT RECORDS

ADOPTED: October 14, 1991

REVISED: May 21, 2007

<p>1. Purpose SC 1402, 1409, 1532, 1533</p> <p>2. Authority SC 1303a, 1305-A, 1306-A, 1402, 1409, 1532, 1533 22 PA Code Sec. 4.52, 12.31, 12.32, 15.9 20 U.S.C. Sec. 1232g 34 CFR Part 99</p>	<p style="text-align: center;">216. STUDENT RECORDS</p> <p>The educational interests of the pupil and of society require the collection, retention, and use of information about individual pupils and groups of pupils. The welfare and progress of pupils is inextricably related to the maintenance of a thorough and efficient system of public schools: the latter cannot be achieved nor assessed in the absence of appropriate information about the former.</p> <p>It is no less the interest of society to protect the right of each of its members against an unwarranted invasion of privacy. The primary purpose of pupil recordkeeping shall be the educational welfare and advancement of the pupil.</p> <p>In addition, the Board of the Middletown Area School District adopts this policy for the following purposes:</p> <p>A. To ensure the rights of students and parents/guardians in the confidentiality of school records and to guarantee them access, the right to amend and to receive copies of records maintained by the school as required by state and federal law.</p> <p>B. To apprise parents/guardians, eligible students and school district staff of their respective rights and responsibilities regarding student educational records.</p> <p>The Board of School Directors has primary responsibility for the compilation of, maintenance, access to, and security of pupil records. Only records mandated by the Commonwealth or federal government or specifically permitted by the Board may be compiled by the staff. The Board shall adopt a comprehensive plan for all aspects of student records that conforms with the mandates of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations; the Protection of Pupil Rights Act (PPRA); Article XIII-A of the Public School Code and its implementing regulations (§12.42 of State Board Regulations).</p>
---	---

<p>3. Definitions</p>	<p>The following terms used in this policy are defined as follows:</p> <p>A. Adult Student means a student who has attained eighteen (18) years of age, is married, or is attending an institution of postsecondary education. Even when an individual attains the status of “adult student” the parent/guardian retains parental rights until such time as the student is no longer dependent or reaches the age of twenty-one (21).</p> <p>B. Confidentiality of Student Communications concerns the oral communication of information of a sensitive or confidential nature by a student to a member of the school staff. Such information is not considered an educational record for purposes of this policy or within the provisions of federal law governing student records such as Family Educational Rights and Privacy Act (FERPA). The management of such information is governed by professional ethics and certain state laws such as Act 287 of 1972.</p> <p>C. Destruction means the physical destruction or permanent removal of personally identifying data from the education records of a student so that the information is no longer personally identifiable. (Also referred to as Purging.)</p> <p>D. Directory Information is information not generally considered harmful or an invasion of privacy if disclosed. This includes, but is not limited to:</p> <ol style="list-style-type: none">1. Name, address, and telephone listing.2. Field of study.3. Weight and height of athletes.4. Previous school most recently attended.5. Photographs.6. Date and place of birth.7. Participation in officially recognized activities and sports.8. Dates of attendance, degrees and awards.9. Primary language.
-----------------------	--

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

F. **Educational Institution or Educational Agency** means any public or private agency or institution, which is the recipient of funds under any federal program.

G. **Educational Records** means those records which are directly related to a student, and maintained by the school district or any party acting for the district.

The term does not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a **substitute** means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

The term does not include records of an educational agency or institution, which contain only information relating to a person after that person was no longer a student at the educational agency or institution. Follow-up studies performed by the Counseling Department fall into this area.

H. **Informed Consent** is the approval by signature of an individual (parent/guardian, student) who has been apprised of the nature, content, and procedure of a records collection, maintenance, or release activity of an agency.

I. **LEA** means Local Education Agency.

J. **Legitimate Educational Interest** describes a purposeful education involvement with a student in which there is a direct responsibility for providing instruction or supportive services.

K. **Panel** means the body which will adjudicate cases under procedures set forth.

L. **Parent** includes both natural parents, a guardian, or an individual acting as a parent of a student in the absence of a parent/guardian. The school presumes that either parent of the student has authority to inspect and review the educational records of the student unless the school has been provided with evidence that there exists a legally binding instrument, state law or court order governing a divorce, separation or custody, which stipulates to the contrary.

M. **Personally Identifiable** means that the data or information includes, but is not limited to: (a) the name of a student, the student's parent/guardian or other family member; (b) the address of the student or the student's family; (c) a personal identifier, such as the student's social security number or student number; (d) a list of personal characteristics which would make the student's identity easily traceable; or (e) other information which would make the student's identity easily traceable.

N. **Purging** (See **Destruction**).

O. **Record** means any information maintained in any way, including, but not limited to:

1. Handwriting.
2. Print.
3. Film.
4. Computer media.
5. Video or audio tape.
6. Microfilm and microfiche.

P. **Representational Consent**, as the legally elected or appointed representatives of the parents/guardians of a school district, the Board of School Directors may collectively as a body grant approval (representational consent) to such programs, processes, and procedures as are considered to be the valid, legal, and expected function of any responsible educational agency. The consent decisions of the representational agency are (subject to higher authority or judicial review) binding on all students and parents/guardians whether or not they might individually have consented.

Q. **School Official** means a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the district has contracted to perform a special task, e.g., an attorney, auditor, medical consultant or therapist; or a parent/guardian or student serving on an official committee such as a disciplinary or grievance committee or assisting another school official in performing his/her tasks.

<p>4. Guidelines</p>	<p>R. Secretary means the Secretary of the United States Department of Education.</p> <p>S. Student includes any individual with respect to whom the district maintains education records.</p> <p><u>Collection Of Student Information</u></p> <p>Student information collected by the Middletown Area School District includes the following:</p> <p>A. Official administrative records that constitute the minimum personal data necessary for operation of the educational system, such as:</p> <ol style="list-style-type: none">1. Student number, name, address, telephone number, birth date, gender, ethnic origin, dates of entry and withdrawal, academic grades, class rank, picture and attendance data.2. First, middle and last name and emergency telephone number of the parents/guardians.3. Group administered, standardized achievement test scores and kindergarten screenings.4. Record of awards, letters of commendation received, and student participation in school activities. <p>B. Verified information of clear importance that exceeds the minimum personal data necessary for operation of the educational system, such as:</p> <ol style="list-style-type: none">1. Individually administered standardized intelligence and aptitude test scores.2. Interest inventory results.3. Health records.4. Family background information.5. Systematically gathered teacher or counselor ratings and classroom observations.6. Act 26 information, certified discipline record, parent/guardian statement.7. Verified reports of recurrent behavior problems.
----------------------	--

	<ol style="list-style-type: none">8. Teacher reports on achievement.9. Chapter 15 Service Agreements for protected handicap students.10. Instructional Support Team (IST) information.11. Certain legal documents such as judicial orders or directives related to custody, restraining orders, and protection from abuse orders.12. Special education records, including Permission to Evaluate, Permission to Reevaluate, Invitation to Attend an IEP Meeting or other meetings, IEP's, ER's, psychological reports, in-house psychiatric reports, NOREP's, criterion-referenced and norm-referenced test booklets, report cards, summaries and Penn Data tracking information. <p>C. Potentially useful information that has not yet been verified or clearly needed beyond the immediate present. Such data shall be kept separate from the student's cumulative record files. However, this in no way impairs the parent's/guardian's right of access.</p> <ol style="list-style-type: none">1. Unevaluated reports of teachers, counselors, and others, which may be needed in ongoing investigations and disciplinary or counseling actions.2. Mental health or outside agency psychiatric reports. (Except as provided for in specific law or regulation, these records shall be maintained and released under the same procedural guidelines as any other education records.)3. Student Assistance Program information, including all information gained through the SAP process.4. Other legal or clinical findings, including personality test results, psychiatric reports, psycho educational reports (other than those for special education and gifted students). <p>D. Professional notes maintained by school staff who are directly involved with the student's health, education and welfare for their own use. Such notes might include transcripts of interviews, clinical diagnoses, and other memory aids. Such data are to be considered confidential and treated as such. All such data must be destroyed when their usefulness is no longer apparent or when the student leaves the school system. Such notes cannot be shared with anyone other than a temporary substitute filling the maker's position. They cannot be passed</p>
--	---

on to another person who is permanently employed by the district, such as a counselor to whom the student may be assigned at the next grade level; nor can they be transferred to another school entity to which the student may transfer. Under the law, professional notes are not considered educational records.

Maintenance Of Student Records

The school district will provide for the reviewing and updating of student information and will destroy such information when it is no longer educationally relevant.

A. Maintenance Procedures.

1. Data will be maintained in individual building files and will be passed on to the next building in progression.
 - a. Records shall be kept under lock and key at all times in the office of the school that the student attends and under the supervision of the building principal.
 - b. At the building level, responsibility for policy compliance is assigned as follows: (1) At the high school and middle school, actual administrative responsibility for the policy lies with the building principal; the implementation of the procedures will be carried out by each school's Guidance Department, which is custodian of the student's records; (2) At the elementary schools, both administrative and implementation responsibilities lie with the building principal.
2. Data will be reviewed at the end of each level of education (elementary, middle school, high school) by the assigned staff member(s) (one or more staff shall be identified by the building principal for the purpose of record review) and material that is no longer educationally useful shall be destroyed by shredding and/or burning under the supervision of the assigned staff member(s). Special education records, Act 26 and Chapter 15 service agreements shall be maintained and will not be destroyed.
 - a. Parents/Guardians will be notified of this procedure in the parent handbook, district calendar and district newsletter.
 - b. No notification is required for the destruction of duplicate records maintained by the district.

	<ol style="list-style-type: none">3. Data will be reviewed at the end of each year and will be destroyed if not verified and/or not needed beyond the immediate present. Data, which is determined still to have educational value, shall be considered to fall under the guidelines set forth in future years.<ol style="list-style-type: none">a. Parents/Guardians or adult students must be notified of the nature of the information being maintained and must be offered an opportunity for a hearing.4. Records for students who have terminated their attendance with the district during the current school year will be retained in the building until the end of the school year, at which time all such records will be transferred to permanent storage at the Central Administration Office.5. Records will be maintained in paper form for five (5) years after the student has terminated his/her attendance in the district. At that point, they shall be transferred to electronic media for permanent storage.6. All records will be destroyed 100 years past a student's 24th birthday. <p>B. Procedures For Students Transferring Into The District.</p> <ol style="list-style-type: none">1. Parents/Guardians shall complete the enrollment form, request for records and Act 26.2. The office secretary will forward the request for records to the former school.3. The office secretary will forward a copy of the enrollment form to the school counselor.4. The school counselor will contact the former district to inquire about educational placement needs.
--	--

C. Record Storage (See Chart).

Records are referenced in the section Collection of Student Information contained herein.

Type of Record	Location of Records	Responsibility	References
Act 26	School Office	Principal	A
Attendance	School Office	Attendance Secretary/Principal	A
Custody Orders/PFA's	School Office	Principal	B*#
Discipline Records	School Office	Principal	B*#
District Waiver	Central Office/SAP Facilitator's Office	Director of Pupil Services/SAP Facilitator	B*
Health Records	Nurse's Office	Nurse	B*
IST Records	IST Office	IST Teacher	B*
Mental Health/ Psychiatric Reports	Central Office	Director of Pupil Services	C*#
Other Student Information (Requests, parent notes)	Principal's Office	Principal	C*#
Cumulative Folders	School Office	Principal	A
Home Language Survey	School Office	Principal	A
Permission to Evaluate ER's, CER's & GWR's (Duplicate)	School Office	Principal/Counselor	B*#
Permission to Evaluate ER's, CER's & GWR's (Originals)	Central Office School Office	Supervisor of Special Education	B*#

Type of Record	Location of Records	Responsibility	References
Risk Forms	Central Office Principal's Office SAP Facilitator	Director of Pupil Services/Principal/ SAP Facilitator	C*#
SAP Information	Guidance/SAP Office	Counselor/SAP Facilitator	C*
Chapter 15 Service Agreements (Duplicates)	School Office	Principal/Counselor	B*#
Chapter 15 Service Agreements (Originals)	Central Office	Director of Pupil Services	B*#
Special Education Student Folder	Classroom	Special Education Teacher	B*
Special Education Folder (Duplicate)	Central Office	Supervisor of Special Education	B*
Withdrawal Forms	School Office	Attendance Secretary/ Principal	B#
Withdrawal Exit Interviews	Student Folder	Principal/Counselor	B#
* = Maintained in a locked file # = Maintained in a separate file			
<p>D. Content Of Cumulative Folders.</p> <ol style="list-style-type: none"> 1. For transfer from elementary to middle school. <ol style="list-style-type: none"> a. Access log. b. Kindergarten Screening Sheet. c. Standardized Achievement Test Profile Sheets. d. Recommendation for Retention Letters. e. Enrollment Form. 			

	<ul style="list-style-type: none">f. Permanent Record Card.g. Report Cards.h. Home Language Survey.i. Act 26 Notarized Letter.j. Parent/Guardian Signature Forms (various). <p>2. For transfer from middle to high school.</p> <ul style="list-style-type: none">a. Access Log.b. Standardized Achievement Test Profile Sheets.c. Recommendation for Retention Letters.d. Enrollment Form.e. Permanent Record Card.f. Report Cards.g. Home Language Survey.h. Act 26 Notarized Letter.i. Parent/Guardian Signature Forms (various). <p>3. Not to be included in permanent records for storage.</p> <ul style="list-style-type: none">a. Discipline and Bus Reports.b. Health Records.c. Student Assistance Information.d. Instructional Support Information.e. IEP's (outdated).
--	---

- f. Service Agreements.
- g. Progress Reports.
- h. All Special Education Records.
- i. Psychological and Psychiatric Reports (outdated).
- j. Classroom Reading Tests.
- k. Occupational/Physical Therapy Reports.
- l. Agency Reports.
- m. Custody Papers.

Procedures For Amendment Of Student's Education Records

- A. If a parent/guardian or an adult student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, s/he may ask the district in writing to amend the record. The request will be directed to the Director of Pupil Services for processing.
- B. The district shall decide whether to amend the record as requested within fifteen (15) school days after the district receives the request.
- C. If the district decides not to amend the record as requested, it shall inform the parent/guardian or adult student in writing of its decision and of his/her right to a hearing.

Rights Of Parents/Guardians Or Adult Students To A Hearing

A parent/guardian of a student or an adult student has the right to request a hearing to challenge any items contained in the student's education record or the verification of a change of status. The procedure for a hearing shall be as follows:

- A. A parent/guardian or adult student desiring a hearing shall send a written request to the Director of Pupil Services setting forth the specific items being challenged. The request shall also state the reason for the challenge.

- B. A hearing shall be scheduled not sooner than ten (10) school days, nor later than thirty (30) school days after receipt of the request.
- C. A written notification of the date, time and place of the hearing shall be sent by certified mail to the parent/guardian or adult student at least ten (10) school days prior to the date of the scheduled hearing. The notification shall state that the parent/guardian or adult student has the right to counsel, to present evidence, and to examine and cross-examine witnesses.
- D. The hearing shall be conducted before a records panel. The records panel shall consist of the Superintendent or her/his designee (who shall serve as chair), the building principal, and a staff member from the building chosen by the principal. The school solicitor may be present to serve in an advisory capacity if deemed necessary. In the case of a hearing dealing with psychological reports or health reports, the school psychologist or school nurse shall be present in an advisory capacity.
- E. The parent/guardian of the student or adult 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 their own expense, including an attorney.
- F. Following the hearing, the records panel shall notify the parent/guardian or adult student in writing within twenty (20) school days of the decision/action taken by the panel. If the decision is in favor of the parents/guardians or adult student, the item(s) in question will be expunged from the records. The parent/guardian or adult student will be notified that they have the right to place a statement in the record when the hearing decision does not favor the parent/guardian or adult student.
- G. The decision of the records panel shall be based solely upon the evidence presented at the hearing and shall include a written summary of the evidence and the reason for the decision.

Disclosure Of And Access To Student Information

The school district adheres to a policy of protecting the student and parents/guardians from the release or access to student information to or by unauthorized sources.

- | | |
|--|---|
| | <p>A. All requests for access to student records by parents/guardians or adult students shall be in writing and directed to the appropriate building principal. All such requests shall be acted upon and access granted within forty-five (45) days after receipt of the written request. However, if the child is a special education student, the school district must comply within thirty (30) days of the request.</p> <ol style="list-style-type: none">1. Information shall be available for inspection and review by parents/guardians, adult students or students at a mutually agreeable time. Said review shall be conducted with the assistance of an appropriate staff member.2. Information shall be available for inspection and review by parents/guardians and adult students. Students shall be granted access only upon obtaining written consent from the parent/guardian. Said review shall be conducted with the assistance of an appropriate staff member.3. Information shall be available for inspection and review only to parents/guardians and adult students. The individual responsible for the information must be present to interpret it. <p>B. The school district may, without consent from parents/guardians or adult students, share information with the following individuals:</p> <ol style="list-style-type: none">1. School officials having a legitimate need for the information.<ol style="list-style-type: none">a. School officials refers to administrators, teachers, resource officers and support personnel who have legitimate educational interest and are directly responsible for the instruction or the health and safety of students while in attendance at school.b. Legitimate educational interest describes a purposeful educational involvement with a student in which there is a direct responsibility for providing instruction or support services.c. Other school officials, including teachers, within the district who have a legitimate educational interest, and desire access to a student's educational records, shall be required to sign an access log indicating their name, the date of access, and the purpose for seeking the information. The access log shall be available to parents/guardians and to the school official responsible for record maintenance as a means of auditing the operation of the system. |
|--|---|

	<ol style="list-style-type: none">2. The State Secretary of Education, Comptroller General of the United States, Secretary of the United States Department of Education or their duly authorized staff.3. Officials of other school systems to which a student has transferred or intends to transfer. In such instances, the district will retain the original records and forward a copy to the requesting school entity. If deemed appropriate, parents/guardians will be permitted to hand deliver a copy of the educational record to the new school entity.4. Judicial order or orders of administrative agencies that have the power of subpoena. Parents/Guardians and or adult students shall be notified of all such orders and of the district's compliance.5. State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974, (effective date of FERPA regulations).6. Appropriate authorities in an emergency situation in which the health, safety or welfare of the student is in jeopardy. <p>C. Data shall not be released to any individuals or agencies other than school officials without consent from the parents/guardians or adult students or by judicial order or subpoena.</p> <p>D. The school district will not divulge, in any manner, any information to any person other than the parents/guardians, students, and those listed without receiving written consent, on the appropriate district form, from the student's parents/guardians or the adult student. Said consent shall be dated, signed, and shall specify the records to be released.</p> <p>It is the responsibility of the requesting agency to secure the written consent and present it to the school. A copy of the records to be released shall be given to the parents/guardians and/or student if requested.</p> <p>E. The school district may disclose directory information after it has given public notice of its intention to do so.</p> <ol style="list-style-type: none">1. Notice must be given of the types of personally identifiable information that the district has designated as directory information; and a parent's/guardian's or adult student's right to refuse to let the district designate any or all of those types of information about the student as directory information; and the
--	--

<p>5. Delegation of Responsibility</p>	<p>period of time within which a parent/guardian or adult student has to notify the district in writing that s/he does not want any or all of those types of information about the student designated as directory information.</p> <p>2. Directory information may be disclosed for purposes beneficial to the student or the School Director only with the approval of the Superintendent or his/her designee.</p> <p>3. Parents/Guardians and adult students shall be given information relative to their right to refuse permission for the release of such information annually. Such notification must be received by the fifteenth day school is in session or by the fifteenth day following a student's enrollment in the Middletown Area School District.</p> <p>F. The district may disclose directory information about former students under the procedures outlined above.</p> <p>G. The district reserves the right to charge a reasonable per page fee for copies of records requested by parents/guardians or adult students. This fee is currently set at \$0.10 per page and may be adjusted by decision of the School Board.</p> <p><u>Right Of Consent</u></p> <p>For purposes of procedures dealing with student records, whenever a student is emancipated or is married or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents/guardians of that student shall thereafter be required of and accorded to that student upon written request.</p> <p>It shall be the Superintendent's or his/her designee's responsibility to administer the Student Records Policy. S/He shall direct the building principals to carry out each provision of the procedures and to hold one (1) meeting annually to review the procedures with personnel who have access to records, including both professional and support staff. In these meetings, emphasis will be placed upon security and privacy rights of students and parents/guardians.</p>
--	--

Annual Notification Of Rights

The school district shall give parents/guardians of students in attendance or adult students in attendance annual notice by means of the district's student policy handbook, the annual district calendar, and the district newsletter (first issue of each school year) to inform them of the following:

- A. Their rights under the Family Educational Rights and Privacy Act of 1974 and rights contained in the district record policy, which is available for inspection at the district Administration Center and in each separate school building's main office.
- B. The right to file complaints concerning alleged failures of the district to comply with the requirements of the Family Educational Rights and Privacy Act of 1974. Such complaints should be directed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.
- C. The school district shall provide for the need to effectively notify parents/guardians of students identified as having a primary or home language other than English, hearing or visual impairment.

In addition, the district may inform parents/guardians and adult students of their rights through such media as local newspapers, i.e., Middletown Press or Harrisburg Patriot; curriculum guides; home reports; or progress reports at various times throughout the school year.

References:

School Code – 24 P.S. Sec. 1303a, 1305-A, 1306-A, 1402, 1409, 1532, 1533

State Board of Education Regulations – 22 PA Code Sec. 4.52, 12.31, 12.32, 15.9

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations –
34 CFR Part 99

Board Policy – 207