

LINE MOUNTAIN SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT RECORDS

ADOPTED: September 26, 1979

REVISED: August 28, 1990
September 27, 2016

216. STUDENT RECORDS	
<p>1. Purpose 24 P.S. 1305-A, 1306-A, 1402, 1409, 1532, 1533 22 PA Code 4.52, 12.31, 12.32, 15.9 20 U.S.C. 1232g 34 CFR Part 99, Part 300</p>	<p>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.</p> <p>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.</p> <p>Copies of the student records plan shall be submitted to the Department of Education, upon request.</p>
<p>2. Definitions 34 CFR 99.3</p> <p>20 U.S.C.1232g 34 CFR 99.3</p>	<p><u>Attendance</u> - 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.</p> <p><u>Directory information</u> - 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.</p> <p>Directory information does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a</p>

	<p>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.</p>
<p>34 CFR 99.3</p>	<p><u>Disclosure</u> - 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.</p>
<p>20 U.S.C.1232g 34 CFR 99.3</p>	<p><u>Education records</u> - records that are directly related to a student, maintained by the school district or by a party acting for the school district.</p> <p>The term does not include:</p> <ol style="list-style-type: none"> 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.
<p>34 CFR 99.3 34 CFR 99.5</p>	<p><u>Eligible Student</u> - 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 school district shall make the education records accessible to the parent of said student.</p>
<p>34 CFR 99.3 34 CFR 99.4</p>	<p><u>Parent</u> - 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.</p>

<p>34 CFR 99.3</p>	<p><u>Personally identifiable information</u> - includes, but is not limited to:</p> <ol style="list-style-type: none"> 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.
<p>34 CFR 99.3</p>	<p><u>Student</u> - includes any individual who is or has been in attendance at the district and regarding whom the district maintains education records.</p>
<p>3. Delegation of Responsibility</p>	<p>The Superintendent or designee shall be responsible for developing, implementing, and monitoring the student records plan.</p>
<p>24 P.S. 1532</p>	<p>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.</p> <p>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.</p>
<p>4. Guidelines</p>	<p>The district's plan for the collection, retention, disclosure and protection of student records shall provide for the following:</p> <ol style="list-style-type: none"> 1. Safeguards to protect the student records when collecting, retaining and disclosing personally identifiable information.
<p>34 CFR 99.7</p>	<ol style="list-style-type: none"> 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.
<p>34 CFR 99.10, 99.11, 99.12</p>	<ol style="list-style-type: none"> 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

<p>34 CFR 99.20</p>	<p>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.</p> <p>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.</p>
<p>34 CFR 99.21, 99.22</p>	<p>5. Procedures for requesting and conducting hearings to challenge the content of the student's education records.</p> <p>6. Enumerating and defining the types, locations and persons responsible for education records maintained by the district.</p>
<p>34 CFR 99.3, 99.37</p>	<p>7. Determining the types of personally identifiable information designated as directory information.</p>
<p>34 CFR 99.30-99.39</p>	<p>8. Establishing guidelines for the disclosure and redisclosure of student education records and personally identifiable information from student records.</p>
<p>34 CFR 99.7 34 CFR 99.31</p>	<p>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.</p>
<p>34 CFR 99.32</p>	<p>10. Maintaining required records of requests for access and each disclosure of personally identifiable information from each student's education records.</p>
<p>Pol. 113.4</p>	<p>11. Ensuring appropriate review, retention, disposal and protection of student records.</p>
<p>24 P.S. 1305-A</p>	<p>12. Transferring education records and appropriate disciplinary records to other school districts.</p>
<p>Pol. 250</p>	<p><u>Student Recruitment</u></p> <p>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.</p>
<p>35 P.S. 450.403-A</p>	<p><u>Missing Child Registration</u></p> <p>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</p>

<p>35 P.S. 450. 404-A</p> <p>5. Collection of Data</p>	<p>appropriate law enforcement agency that a missing child has been recovered.</p> <p>In the event the district receives a request for information from the school records of a missing child, the district shall:</p> <ol style="list-style-type: none"> 1. Attempt to obtain information on the identity of the requester. 2. Contact the appropriate law enforcement agency to coordinate a response. <p>No information in the records shall be released to the requester without first contacting the appropriate law enforcement agency.</p> <p>No information shall be collected for the purpose of being made part of a student's record without the prior informed consent of the child's parents or representative consent having been granted by the Line Mountain School District Board of Directors. Such consent may be obtained either individually, case by case or at the beginning of the school year, depending on the nature of the information to be collected.</p> <p>Representative consent is interpreted as consent having been granted for the collection of minimum personal health and testing data necessary for the operation of the educational system.</p> <p>The Line Mountain School District has a responsibility for providing an appropriate educational program for each student; therefore, retains the right to administer individualized tests to students for this purpose. These tests shall include required psychological and diagnostic instruments as each situation warrants. In all cases, parents will be informed individually of the type and nature of the psychological and diagnostic testing instrument and written consent shall be requested from the parent or eligible student prior to administration of the test.</p> <p>Individual consent is interpreted as consent having been granted by the child's parents for the collection of any information not directly relevant for educational purposes. In all situations of this nature, individual consent shall be obtained in writing.</p> <p>In the event that a parent refused to provide consent, the state shall describe policies and procedures to be followed.</p> <p>When a student reaches the age of eighteen (18) and is no longer attending high school or is married (whether age eighteen (18) or not and is considered as being emancipated), his/her consent alone must be obtained.</p> <p>This includes the right to deny parental access to his/her records. No statement of consent, individual or representative shall be binding unless freely given after the parents have been informed as to the methods by which the data will be collected,</p>
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	<p>recorded, maintained, length of time retained, to whom it will be made available, and under what conditions.</p> <p>Parents of students in attendance or eligible students in attendance shall be informed annually as to the purpose and character of data that is being collected by virtue of representative consent and their rights under the policy herein and provisions of the federal and state laws, regulations, and standards pertaining to the Family Educational Rights and Privacy Act.</p> <p>Annual notification shall include a listing of the types of education records being collected, maintained or utilized, the location(s) where copies of the policy may be obtained, the titles and address of officials responsible for records and enclosed statement of the rights of parents and eligible students to file complaints with H.E.W.</p> <p>Parents of students or eligible students identified as having a primary or home language other than English shall be effectively notified in his/her own native tongue.</p> <p>The Line Mountain School District Board of Directors, upon notification in writing, will grant parents the right to question the necessity or desirability of particular data collection processes and the proposed use of such data. The decision of the Board of Directors is subject to higher authority or judicial review.</p> <p>The decision rendered by a higher authority or by judicial review is binding on all students and parents, whether or not they may have individually consented to the collection.</p> <p>Parents have the right to challenge the content of their child's record and may appeal in writing to the Line Mountain School District designee for correction or deletion of inaccurate or misleading information.</p> <p>In situations where informed consent cannot be met, further steps to provide assistance such as resorting to the compulsory machinery of the schools shall be initiated.</p> <p>The collection of data for research studies, under conditions of anonymity, either by school personnel or by appropriate institutions and/or agencies is permissible provided that (1) a written request to conduct the study has been submitted to and approved by the principal or designated agent, and (2) parents and students are notified of the pending study and participation is on a voluntary basis.</p> <p>In the event that the principal or designated agent concludes that the collection of the data is a potential invasion of privacy, even though the study is to be done under conditions of anonymity, the person or persons conducting the study must obtain informed individual consent.</p>
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<p>6. Classification and Maintenance of Data</p> <p>Pol. 800</p>	<p>The district's Record Retention and Disposition Schedule (attached to Board Policy #800 Records Management) shall be followed for this policy.</p>
<p>7. Administration of Security</p>	<p>Access and maintenance of all student records shall be the responsibility of the building principal.</p> <p>When a parent requests to inspect or review his/her child's official administrative record (Categories A or B), the parent shall be afforded an expeditious opportunity to do so within thirty (30) days, and be allowed to reproduce or make notes regarding any such material in the record. Personal files in sole possession of professionals or not revealed to anyone else or any type of memory is not part of the educational record. The principal's or designee's staff shall arrange for a member of the professional staff to assist the parent in interpreting or explaining any official information in the record, otherwise, the parent shall have the right to designate a representative who will inspect, review, or copy the records. Records may not be removed from the school by the parent.</p> <p>In cases where official records contain data of more than one child, the parent shall have the right to inspect and review only the data pertaining to their child, or to be informed of that specific data.</p> <p>A parent or eligible student may receive upon written request to the principal, a copy of all or part of the education record being maintained.</p> <p>A reasonable fee not to exceed the actual expense of the duplication, reproduction or photocopying may be charged for copies of the records which are made for parents, provided that the fee does not effectively prevent the parent from exercising his/her right to inspect and review the record (Fee: \$1.00).</p> <p>In the case of children of estranged, separated or divorced parents, principals shall communicate solely with the parent or guardian with whom the child resides and who is therefore, responsible for the attendance of the child in school.</p> <p>Records shall be kept under lock and key at all times, under the supervision of the building principal or designated agent.</p> <p>Student grade reports and attendance records kept by electronic means shall be collected, maintained, and disseminated in accordance with the provisions outlined for all other records.</p> <p>The following procedures shall be adhered to when the parent or his/her child or eligible student challenges the validity of any of the information contained in the</p>

	<p>records:</p> <p>With respect to both challenges and verifications, parents of a child or eligible student shall be given rights to counsel at his/her own expense, to present evidence and to cross-examine the witnesses. Further, the parents of a child or eligible students shall receive written notices of the date, place and time of the proceedings and shall be given reasonable time to prepare for them.</p> <p>Parents of a child or eligible students shall have an opportunity to challenge the decision to maintain or amend information in the record through the following procedures: A written request be submitted to the Line Mountain School District containing a brief statement specifying the records to be amended and the reason that amendment is requested. If the request to amend the record is refused, the Line Mountain School District shall inform the parent in writing within forty-five (45) days of both the refusal and specific reasons for the refusals and shall notify the parent in writing of the right to request and receive a hearing.</p> <p>If a hearing is requested, it shall be conducted in the following manner:</p> <ol style="list-style-type: none">(1) at a mutually agreed upon time and place within thirty (30) days after the Line Mountain School District receives the request,(2) the parent shall be notified in writing of the date, place, and the time of the hearings, not later than five (5) days in advance of the hearing,(3) the hearing shall be conducted by a party who does not have a direct interest in the outcome of the hearing,(4) a full and fair opportunity shall be afforded the parent to present evidence relevant to the issues,(5) the parent may, at the hearing be assisted or represented by persons of his/her own choice at his/her own expense; such persons may include legal counsel,(6) a written decision shall be rendered by the Line Mountain School District within thirty (30) days after the conclusion of the hearing and the decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. <p>If as a result of hearing (concerning the accuracy of data contained in the record), it is decided that the data is not found to be inaccurate, misleading, or otherwise in violation of the privacy law, parents of students or eligible students shall have the right to place in the records, a statement commenting on the data and setting forth any reason for disagreeing with the decision of the administrative official in charge of the records. Information placed in the record by a parent shall (a) be maintained by the Line Mountain School District as part of the record of the child as long as the record or contested portion thereof is maintained and (b) if the records of the child or the contested portion thereof is disclosed by the designated officials responsible for security and maintenance of the record, to any party, the explanation shall also be disclosed to the party.</p>
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<p>8. Dissemination of Student Information</p>	<p>All information in the record shall be reviewed at points of transition (for example, from elementary to secondary program, any program placement, and within one (1) year after the student's termination from school).</p> <p>In any event, parents of a student or eligible student shall retain the rights to inspect, review, and contest the validity of the data as outlined in this policy. (per newsletter)</p> <p>The school may, without consent of the parents or students, release personally identifiable information from the education records of students as defined in categories A and B herein to:</p> <p>Other school officials, including teachers within the school district who have a "legitimate educational interest". Persons identified to have a "legitimate education interests" are those professionals directly providing instruction to the student or responsible for the provision of support services, guidance counseling, health, home/school visitor, and personnel charged with direct responsibility for health and safety of the children while they are in attendance at school. All unauthorized school personnel desiring access to pupil records, however, shall be required to sign a written form which would be kept permanently on file, indicating specifically the "legitimate education interests" they have in seeking this information;</p> <p>A file maintaining a record of requests and disclosures of information to parties other than parents, students, and officials with a "legitimate education interest" will be available to parents and to the school official responsible for record maintenance as a means of auditing the operation of the system.</p> <p>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 eligible student;</p> <p>Officials of other school systems in which the student seeks to enroll or at the request of a primary or secondary school system under the condition that the parents of students or eligible students be notified of the transfer, receive a copy of the record if desired, and have an opportunity to challenge the record's content via a specified judicial-like procedure;</p> <p>If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the education records of the student to each other; provided the disclosure meets the requirements outlined in this policy;</p> <p>To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974. This subparagraph applies to state or local officials and does</p>
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	<p>not apply to statutes which permit but do not require disclosure. Nothing in this paragraph shall prevent a state from further limiting the number or type of state or local officials to whom disclosures are made under this subparagraph: Representatives of the U.S. Comptroller General, Secretary of Education; H.E.W. Secretary, the Commissioner, the Director of N.I.E., the Assistant Secretary of Education, or State Educational Authorities;</p> <p>Appropriate authorities in a health or safety emergency after consideration of the seriousness of the threat, the need for information to meet the emergency, the position of the requesting party to deal with the emergency, and the extent to which time is of the essence in meeting the emergency;</p> <p>To parents of a dependent student as defined in Section 152 of the Internal Revenue Code.</p> <p>The school or any school personnel shall not disclose in any form to any persons other than those listed above, any information contained in the school records, except as follows:</p> <p>Prior written consent shall be required from the student's parents or eligible student specifying records or information to be disclosed, the purpose of the disclosure, to whom the disclosure is made, and with a copy of the records to be released to the student's parents or eligible student if desired.</p> <p>Such prior written consent shall be signed and dated by the parent of a student or eligible student as a condition of the disclosure.</p> <p>In compliance with judicial order, or orders of administrative agencies where those agencies have the power of subpoena, parents or eligible students should be notified of all such order or subpoena in advance of compliance therewith.</p> <p>Where parental consent is required for the release of school records, the following procedures shall be followed:</p> <p>Routine non-specific consent will apply to "directory information" as defined in this policy; public notice shall be given prior to the disclosure of directory information and the parent or eligible student shall have the right to refuse to permit the designation of any or all of the categories of personally identifiable information or to refuse the release of information of that nature; parents shall be required to reply in writing to withhold their consent within twenty (20) days after publication is announced.</p> <p>Under no conditions, except those persons listed above in this section, shall the school release information gathered by any non-school agency but included in the school record,</p>
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without the written consent of the eligible student or parent of the student.

Each matter of request for consent shall be handled separately; blanket permission for release of data within an extended period of time may not be solicited since, by definition, it does not provide an opportunity for informed individual consent.

Requests for students' rosters by any agencies or schools will not be honored. Information concerning student records of a restricted nature will not be released by telephone.

NOTES:

Family Policy Compliance Office U.S. Dept. of Education
400 Maryland Avenue SW
Washington D.C. 20202-5920

PSBA Revision 5/12