

No. 216 – AR

ADMINISTRATIVE
REGULATIONS

MCGUFFEY
SCHOOL DISTRICT

McGuffey Student Records Regulations

- I. **PURPOSE** (School Code §1402(B), 1532, 1533): 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.

(School Code §1409): 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 record keeping shall be the educational welfare and advancement of the pupil.

- II. **AUTHORITY** (22 Pa. Code §12.31 et seq.; 30 USC 51232q 34 C.F.R. 99): 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.

- III. **DEFINITIONS:** The following terms used in this policy are defined as follows:

- A. **"Adult Student"** means a student who has attained eighteen years of age, is married, or is attending an institution of post-secondary education. Even when an individual attains the status of "adult student" the parent retains parental rights until such time as the student is no longer dependent or reaches an age of 21.
- 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 the 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.

- 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").
- D. **"Directory information"** is: Information not generally considered harmful or an invasion of privacy if disclosed. This includes, but is not limited to:
1. Name, address & telephone listing
 2. Field of study
 3. Weight & height of athletes
 4. Previous school most recently attended
 5. Photographs
 6. Date & place of birth
 7. Participation in officially recognized activities & sports
 8. Dates of attendance, degree & 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":**
1. means those records which:
 - a. are directly related to a student, and
 - b. are maintained by the School District or any party acting for the District.
 2. the term does not include:

- a. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - (1). are in sole possession of the maker thereof, and
 - (2). 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.
 - b. 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 in Section VII.D.

- L. **"Parent"** includes both natural parents, a guardian, or an individual acting as a parent of the student in the absence of a parent or 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 or 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 on 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. **"Secretary"** means the Secretary of the United States Department of Education.
- R. **"Student"** includes any individual with respect to whom the District maintains education records.

IV. COLLECTION OF STUDENT INFORMATION

Student information collected by the educational agency or institution for record purposes no longer needs to be classified according to category. This change in federal legislation (specifically FERPA) is intended to confirm the right of parents to access all records other than those considered to be a staff member's personal records without impediment. Typical data collected by school entities for inclusion within student records, include the following:

- A. Official administrative records that constitute the minimum personal data necessary for operation of the educational system, such as:

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.

B. Verified information of clear importance that exceeds the minimum personal data necessary for operation of the educational system, such as:

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 statement.
7. Verified reports of recurrent behavior problems.
8. Teacher reports on achievement.
9. Chapter 15 Service Agreements for protected handicap students.
10. Certain legal documents such as judicial orders or directives related to custody, restraining orders, and protection from abuse orders.
11. Special education records, including Permission to Evaluate, Permission to Reevaluate, Invitation to Attend an IEP Meeting or other meeting, IEP's, ER's, RR's, social histories, behavior plans, occupational therapy reports, physical therapy reports, rating scales, assistive technology reports, auditory processing reports, referral packets, psychological reports, in-house psychiatric reports, NOREP'S, criterion-referenced and norm-referenced test booklets, report cards, summaries and Penn Data tracking information.

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 right of access.

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).

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 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.

V. 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 as described in Section IV.A will be maintained in individual building files and will be passed on to the next building in progression.
2. Data as described in Section IV.B 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.
3. Data as described in Section IV.C 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 for Section IV.B in future years.
 - 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 as described in Section VII.
 4. Records for students who have terminated their attendance with the district during the current school year will be retained in the building with their current grade level records as inactive records. Inactive records will be transferred to the next building level as the grade level progresses.
 5. Records will be maintained in "paper" form. The district may transfer records to electronic media for permanent storage.
 6. All records will be destroyed 100 years past a student's 24th birthday.

B. Procedures for Students Transferring into the District

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.

5. The school secretary will forward a copy of the enrollment form to the special services office.

C. Record Storage (See Chart)

<u>Type of Record</u>	<u>Location of Records</u>	<u>Responsibility</u>	<u>References</u>
Act 26	School Office	Principal	§IV.A*
Attendance	School Office	Home & School Visitor/Principal	§IV.A
Custody Orders/PFA's	School Office	Principal	§IV.B**#
Discipline Records	School Office	Principal	§IV.B**#
Health Records	Nurse's Office	Nurse	§IV.B*
Mental Health/ Psychiatric Reports (Original/Duplicates)	Special Service Office/School Office	Supervisor of Sp. Ed./Principal	§IV.C**#
Other Student Information (Requests, parent notes)	Principal's Office	Principal	§IV.C**#
Cumulative Folders	School Office	Principal	§IV.A*
Home Language Survey	School Office	Principal	§IV.A*
ER's, RR's, GWR'S, IEP's, GIEP's (Duplicates)	School Office	Principal/Counselor	§IV.B**#
Permission to Evaluate, ER's, RR's, GWR's, IEP's GIEP's (Originals)	Special Services Office	Superv. of Special Education	§IV.B**#
SAP Information	Guidance Office/SAP Office	Counselor/SAP Facilitator	§IV.C*

Chapter 15 Service Agreements (Originals)	School Office	Principal/Counselor	§IV.B*#
Chapter 15 Service Agreements (Duplicates)	Special Service Office	School Psychologist	§IV.B*#
Special Education Student Folder (Duplicate)	Classroom	Special Education Teacher	§IV.B*
Special Education Folder (Original)	Special Service Office	Superv. of Special Education	§IV.B*
Withdrawal Forms	School Office	Principal	§IV.A#
Withdrawal Exit Interviews	Student Folder	Principal/Counselor	§IV.B#

* = Maintained in a locked file. # = Maintained in a separate file.

D. Content of Cumulative Folders

1. For transfer from elementary to middle school.
 - a. Access Log
 - b. Kindergarten Screening Sheet
 - c. Standardized Achievement Test Profile Sheets
 - d. Recommendation for Retention Letters
 - e. Enrollment Form
 - f. Permanent Record Card
 - g. Report Cards
 - h. Home Language Survey
 - i. Act 26 Notarized Letter
 - j. Parent Signature Forms (various)

2. For transfer from middle to high school.
 - 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 Signature Forms (various)

3. **Not** to be included in permanent records for storage.

- a. Discipline and Bus Reports
- b. Health Records
- c. Student Assistance Information
- d. Service Agreements
- e. Progress Reports
- f. All Special Education Records
- g. Psychological and Psychiatric Reports
- h. Classroom Reading Tests
- i. Occupational/Physical Therapy Reports
- j. Agency Reports
- k. Custody Papers

VI. **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, he/she may ask the District in writing to amend the record. The request will be directed to the Administrative Assistant to the Superintendent for processing.
- B. The District shall decide whether to amend the record as requested within 45 school days after the District receives the request. 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.

VII. **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 as described in Section V.A.3. 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 Administrative Assistant to the Superintendent 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 school days nor later than thirty 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 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 Director of Pupil Services (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. Following the hearing, the records panel shall notify the parent/guardian or adult student within five 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.
- F. 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.

VIII. 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.

- 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 45 days after receipt of the written request. However, if the child is a special education student, the School District must comply within thirty days of the request.

1. Information described in Section IV.A 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 described in Section IV.B 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 described in Section IV.C 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.
- B. The School District may, without consent from parents/guardians or adult students, share information as described in Sections IV.A and IV. B with the following individuals:
1. School officials having a legitimate need for the information.
 - 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 Interests" 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.
 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.
 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.
- C. Data as described in Section IV.C 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.
- D. The School District will not divulge, in any manner, any information to any person other than the parents/guardians, students, and those listed in Section VIII.B without receiving written consent from the student's parents/guardians or the adult student. Said consent shall be dated, signed, and shall specify the records to be released.
- 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.
- E. The School District may disclose directory information after it has given public notice of its intention to do so.
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 period of time within which a parent/guardian or adult student has to notify the District in writing that he/she does not want any or all of those types of information about the

student designated as directory information.

2. Directory information may be disclosed for purposes beneficial to the student or the School District only with the approval of the Superintendent or his/her designee.
 3. The parent/guardian or adult student has the right to refuse the disclosure of directory information by giving notice within twenty (20) days of public notice. Parents/guardians shall be given information relative to this right at the beginning of each school year.
- F. The District may disclose directory information about former students under the procedures outlined above.
- 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 \$0.25 per page and may be adjusted by decision of the School Board.

IX. RIGHT OF CONSENT

For purposes of procedures dealing with student records whenever a student is emancipated or is married or is attending an institution of post-secondary 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's written request.

X. DELEGATION OF RESPONSIBILITY

It shall be the Superintendent's or his/her designee's responsibility to administer the Student Record Policy. She/he shall direct the building principals to carry out each provision of the procedures and to hold one 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.

XI. ANNUAL NOTIFICATION OF RIGHTS

The School District shall give parent/guardians of students in attendance or adult students in attendance annual notice by means of the District's Student

Handbook 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 at the District Administration Offices.
- 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 Department of Education's Office of Records Policy Compliance in Washington, D.C.
- 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.

XII. REVIEW AND UPDATE OF REGULATIONS

The School District will review and plan to update these regulations based on changes in federal and state law.