

No. 207.1

SECTION: Pupils

TITLE: Student Records

ADOPTED: February 9, 2016

# CATASAUQUA AREA SCHOOL DISTRICT

207.1 – STUDENT RECORDS		
1. Purpose	<p>The educational interest of students requires the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual’s right to privacy. The School District will maintain educational records as they are defined herein for students for legitimate educational purposes.</p> <p>The Board recognizes its responsibility for compilation, retention, disposition, and security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records.</p>	1 2 3 4 5 6 7 8 9 10 11 12
2. Definitions	<p>When used in this policy, the terms described in this part 2 shall have the following meanings:</p>	13 14 15
34 CFR §§ 93.3, 93.5	<p><b>Eligible Student</b> shall mean a student who has reached the age of eighteen (18) years or older or is attending a post-secondary education institution. Eligible students can access their own educational records.</p>	16 17 18 19
34 CFR § 93.3	<p><b>Parent</b> shall mean a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.</p>	20 21 22
3. Authority 20 U.S.C. § 1232g; 34 CFR part 99; 20 U.S.C. § 1400 <i>et seq.</i> ; 20 U.S.C. § 6301 <i>et seq.</i> ; US Pub. L. 104-191, as amended; Pa. School Code, 24 Pa. Stat. Ann. § 1-101 <i>et seq.</i> , 22 Pa. Code. § 16.65	<p>This policy shall be interpreted in accordance with and consistent with the following laws and corresponding regulations: the Family Educational Rights and Privacy Act (FERPA); the Individuals with Disabilities Education Act (IDEA); the Elementary and Secondary Education Act as reauthorized and revised by the Every Student Succeeds Act (ESSA); the Health Insurance Portability and Accountability Act (HIPAA); the Pennsylvania School Code and regulations of the State Board of Education; and all other applicable laws and regulations. Only educational records mandated by federal or state statutes and regulations, or permitted by the Board, may be compiled by School District staff.</p> <p>This policy supplements the District’s Annual Student Records Notice. That Notice is issued annually and published in the District’s policy manual, district calendar, and website.</p>	23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38

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4. Delegation of Responsibility  
  
5. Guidelines  
  
34 CFR § 99.7  
  
34 CFR § 99.30 to § 99.39  
  
34 CFR § 99.32  
  
School Code § 1305-A  
  
34 CFR §§ 99.3, 99.37; 20 U.S.C. § 1232g

The Superintendent or his/her designee shall be responsible for developing and implementing a plan for the maintenance, retention, and destruction of records of regular students and students with disabilities that meets the requirements of all federal and state statutes and regulations and Board policies, and is approved by the Board.

Student Record Plan

The District’s plan for compilation, retention, disclosure, and security of student records shall provide for the following:

1. Informing parents, guardians, and eligible students of their rights and the procedures to implement those rights.
2. Permitting appropriate access by authorized persons and officials, describing procedures for access, and listing copying fees (25¢ per page).
3. Enumerating and defining the types, locations, and persons responsible for student records maintained by the District.
4. Establishing guidelines for disclosure of information and data in student records.
5. Maintaining a record of access and release of information for each student’s records.
6. Assuring appropriate retention and security of student records.
7. Transferring education records and appropriate disciplinary records to other school districts.

Directory Information

Directory information is information from a student’s education record which would generally not be considered harmful or an invasion of a student’s privacy if disclosed. A school can disclose those items it designates as directory information from a student’s education record without prior consent of the parent or eligible student, unless the parent or eligible student objects in writing.

The School District declares the following information as directory information:

1. Student’s name, address, and photograph.
2. Student’s age.

- 3. Student’s gender.
- 4. Participation in officially recognized activities and sports.
- 5. Weight and height of members of athletic teams.
- 6. Dates of attendance.
- 7. Degrees and awards received.
- 8. The most recent previous educational agency or institution attended by the student.

All parents and eligible students may refuse consent for the general disclosure of directory information by completing the District’s form to Request to Withhold Directory Information. The District is required to release directory information to military recruiters. However, any parent or eligible student may notify the District in writing of their refusal for this information to be released by returning the District’s form. Questions about either form should be directed to the Superintendent at 201 North 14<sup>th</sup> Street, Catasauqua, PA 18032.

10 U.S.C. § 503;  
20 U.S.C. § 7908; 51 Pa. Stat. Ann, § 20221 *et seq.*

Records on Discipline and Violent Acts

The District shall maintain updated records of all incidents of violence, incidents involving possession of a weapon, and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a District-wide and school-by-school basis. These records shall be forwarded to a school where the student transfers or seeks to enroll, without prior parental consent.

School Code §§ 1305-A, 1306-A, 1307-A

Request for Inspection of Records

In general, student records shall not be disclosed or released without the prior written consent of the parent or eligible student, except as provided by law and described in this policy. Any parent or eligible student shall have the right to inspect all education records maintained by the District.

34 CFR §§ 99.10, 99.11, 99.12, 300.613

Parents may only review the education records in their child’s own file. Parents and eligible students do not have the right to copies of educational records. However, copies may be provided at the discretion of the District and/or upon a parent’s documented claim that he/she is unable to review the records at the District due to physical disability or illness. The District may charge a fee of twenty-five cents (25¢) per page for the copy of the educational records. Payment may be made in cash, certified check, or U.S. postal service money order. Upon a parent’s showing of financial hardship, copies may be provided free of charge.

34 CFR §§ 99.11, 99.12, 300.615, 300.617

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34 CFR § 99.10

The District will comply with a request to review records within forty-five (45) calendar days from the date of the written request. Written requests must be submitted to the school principal. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

Third parties may accompany parents or eligible students to review the records, but records will not be made available for review by a third party unless a parent or eligible student is present, regardless of whether the third party has obtained written consent of a parent or eligible student.

Transcripts

Students may request copies of transcripts from the District at any time. Students will not be assessed a fee for copies of transcripts requested prior to September 1 of the calendar year in which the student graduates. After that time, three dollars (\$3.00) will be charged for each transcript requested. Payment may be made in cash, certified check, or U.S. Postal Service money order.

Requests for Disclosure

All disclosures requiring written consent of parents or eligible students shall be made only once the consent has been received by the building principal and will be maintained with a Record of Release for the file. The written consent must contain: a date and any time limit for release, a description of the records to be disclosed, the purpose of the disclosure, and the specific person to whom the records shall be released.

Disclosure Made Where Prior Consent is Not Required

20 U.S.C. § 1232g; 34 CFR § 99.31

Educational records may be disclosed by an authorized official of the District *without* prior consent of a parent or an eligible student in accordance with FERPA, including disclosures to:

1. School officials, including teachers within the School District, who have been determined by the District to have a legitimate educational interest in the information contained within the record(s). School officials include all District employees, contractors, and volunteers. Accordingly, information from educational records may be shared as the District deems appropriate among District administrators, teachers, school counselors, nurses, support staff, coaches, intermediate unit personnel, and other employees, contractors, or volunteers who are working with the District.

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34 CFR § 99.34

- 2. Officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student’s parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
- 3. Authorized representatives of federal, state, or local government.
- 4. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
- 5. Accrediting organizations in order to carry out their accrediting functions.

34 CFR § 99.36

- 6. Appropriate persons, including the parents of an eligible student, in connection with an emergency, if knowledge of the information is necessary to protect the health and safety of the student or other individuals. The District shall utilize this exception to the consent requirements only where the health and safety emergency is imminent, the threat serious, and the need for information immediate.
- 7. In order to comply with a judicial order or lawfully issued subpoena. The District will seek to contact the parents of the student to notify them of the release of information in advance of compliance, except where such notification is prohibited under the order or subpoena consistent with FERPA requirements.

The District may disclose group scholastic achievement data from which the individual cannot be identified.

Challenges to the Content of a Student’s Educational Record

34 CFR § 99.20

A parent or eligible student has the right to request amendment of a student’s education file if it is believed that any information is inaccurate, misleading, or violates the student’s rights of privacy. Requests for amendment of a student’s file should be directed to the building principal.

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34 CFR § 99.21

The District shall decide within a reasonable period of time whether to amend the record. If the District does not amend the record as requested, it shall inform the parent or eligible student of its decision and of his/her right to a hearing to challenge that decision, upon request. Additional information regarding the hearing will be provided to the parent or eligible student when notified of the right to request a hearing.

The written decision on whether or not to amend the educational record will be provided to the parent or eligible student within a reasonable period of time after the hearing.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the District (a) shall amend the record, and (b) inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, the District decides that the information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the District shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the District, or both. The District shall maintain any such statement with the contested part of the student’s record for as long as the record is maintained, and shall disclose the statement whenever it discloses the portion of the record to which the statement relates.

34 CFR §99.63

If a complaint cannot be satisfactorily resolved by the District, a parent or eligible student may file a complaint alleging a violation of FERPA or the regulations thereunder at the following federal office: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.

Destruction of Educational Records

The District may destroy educational records when they are no longer needed to provide educational services to a student.

Records that indicate core data, consisting of student’s name, last known address of parents/guardians, birth date, attendance data (general, not specific), and transcripts, otherwise known as the student’s cumulative file, shall be maintained in perpetuity.

Records maintained by the District as educational records for a regular education student shall be maintained for five years beyond the student’s graduation date. If the student does not graduate from the District, the records shall be maintained until the student’s 20<sup>th</sup> birthday.

Records maintained by the District as educational records for a special education student shall be maintained until the student's 25<sup>th</sup> birthday.

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## **Student Records Notification of Rights — Parents and Eligible Students**

The Family Educational Rights and Privacy Act (FERPA) and Pennsylvania law affords parents and students who are 18 years of age or older (“eligible students”) certain rights with respect to the student's education records. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the Catasauqua Area School District (“District”) receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, whom the District has determined to have legitimate educational interests. A school official is 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) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the District, performs an institutional service or function for which the District would otherwise use its own employees, who is under the direct control of the District with respect to the use and maintenance of PII from education records, and is



subject to the requirements of § 99.33(a) governing the use and redisclosure of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2)) The District will make a reasonable attempt to notify the parent or student of the records request prior to the disclosure of information and will provide the parent with a copy of the record if so requested.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena, if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

- Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
  - To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
  - To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

5. The right to refuse to permit the designation of any or all of the categories of directory information.

The District is permitted by law to disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information (except for limited disclosures authorized under § 99.37(c)) if a written refusal is forwarded to the building principal by October 1 of the current school term.

Directory information which may be released may include the student’s name, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent and previous education agency or institution attended by the student, e-mail address, photograph, and other similar information.

6. The right to request that information not be provided to military recruiting officers. Under Pennsylvania law, the names, addresses, and home telephone numbers (if published) of secondary school students must be released to military recruiting officers by the first day of a student’s senior year *unless* the student has given the Superintendent a written request to exclude his/her name from the disclosure list before the release of the list. The list shall not be released earlier than 21 days after the end of the student’s junior year. Federal law also requires the District to provide student names, addresses, and telephone numbers to military recruiters upon request, unless the student or a parent of the student requests the such information not be released without prior written parental consent.
7. The District may charge a fee of twenty-five cents (25¢) per page for providing a copy of education records to a parent or eligible student, although this fee may be waived in the case of financial hardship.