

# CENTRAL FULTON SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT RECORDS FOR  
EXCEPTIONAL STUDENTS

ADOPTED: December 5, 2006

REVISED:

<p>1. Authority 20 U.S.C. Sec. 1232g, 1401 et seq Title 22 Sec. 4.52, 12.32 34 CFR Part 99 Sec. 300.610- 300.627</p> <p>2. Definitions 20 U.S.C. Sec. 1232g 34 CFR Part 99.3</p>	<p style="text-align: center;">216.2. STUDENT RECORDS FOR EXCEPTIONAL STUDENTS</p> <p>The Central Fulton School District (CFSD) recognizes the need to protect the confidentiality of personally identifiable information in the educational records of exceptional students. This policy has been prepared to ensure the privacy rights of both the parent/guardian and the exceptional student in the collection, maintenance, release and destruction of these records. Toward that end, this policy incorporates provisions from the Regulations of the State Board of Education on Pupil Records (Pennsylvania Code 22, Chapter 12), the Family Educational Rights and Privacy Act of 1974, the Confidentiality Section of Public Law 94-142, and the Confidentiality Standards for Special Education (Pennsylvania Code 22, Chapter 14).</p> <p><b>Directory Information</b> - includes the following information relating to a student: the student's name, address, telephone number, 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 previous educational agency or institution attended by the student and other similar information.</p> <p><b>Educational Records</b> - means those records which (1) are directly related to a student, and (2) are maintained by the CFSD or by a party acting for the CFSD. Excluded are records of CFSD school officials which are in the sole possession of their maker and are not accessible or disclosed to any other individual except a substitute.</p> <p><b>Disclosure</b> - means permitting access or release, transfer or other communication of educational records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.</p>
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<p>SC 1376</p> <p>3. Guidelines</p> <p>Title 22 Sec. 12.33, 15.9 34 CFR Sec. 300.612</p>	<p><b>Eligible Student</b> - means a student who has attained eighteen (18) years of age, or is attending an institution of post secondary education.</p> <p>The term <b>parent</b> includes a parent, guardian or surrogate parent, or an individual acting as a parent of a student in the absence of a parent or guardian.</p> <p><b>School Officials</b> - shall include teachers, guidance counselors, psychologists and administrators of the CFSD.</p> <p><b>Destruction</b> - shall mean the physical destruction or permanent removal of personally identifiable data from the educational records of the student so that the information in those records is no longer personally identifiable.</p> <p><b>Legitimate Educational Interest</b> - shall be defined as having direct involvement in or responsibility for the instructional program or support services of the student.</p> <p><b>Student</b> - shall be defined to include an individual who is (or within the past year was) being considered for admission who is currently in or was previously enrolled in an educational program conducted by the CFSD.</p> <p><b>Surrogate Parent</b> - shall be defined as a person appointed by the CFSD to act as the parent of a school-age student when the parents are not known, unavailable, or when the student is a ward of the state.</p> <p><b>Personally Identifiable Information</b> - shall be defined so as to include the name of the student or the name of the student's family members, the address of the student, a personally identifying piece of information such as the student's telephone number, social security number, or a list of those personal characteristics which would make the student's identity easily traceable by a person who was not already familiar with the student's identity.</p> <p><b>Educational Agency</b> - shall be defined as a school district and any component thereof which collects, maintains, or uses an exceptional child's educational records containing personally identifiable information or from which such records or information is obtained.</p> <p><u>Protection Of Confidentiality</u></p> <p>The CFSD shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages of that information.</p>
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Parent Access Record

The parent/guardian and/or eligible student will be permitted to inspect, review or copy educational records within thirty (30) days of receipt of request to do so.

If any educational record includes information on more than one child, the parents/guardians of the student or the eligible student shall have the right to inspect and review only the information related to their child or self, or to be informed of that specific information.

The parent/guardian or eligible student makes a request in writing to the Director of Special Education to examine educational records.

The Director of Special Education will contact the appropriate district staff to arrange a conference with the parent/guardian or eligible student.

Copies of educational records are available to parents/guardians or eligible students at the current duplicating cost.

The parent/guardian of a student or an eligible student has the right to designate a representative who will inspect or review the educational records.

The parent/guardian and/or eligible student has the right to a response from the CFSD to their request for an explanation and/or interpretation of the educational records. The appropriate CFSD supervisor will explain and interpret the records to the parent/guardian or eligible student at the conference. If the supervisor is not able to explain or interpret the educational records, then it will become the responsibility of the person who initially developed the record to explain and interpret the records to the parent/guardian or eligible student.

The following are the title and address of the CFSD official who is responsible for educational records:

Director of Special Education  
Central Fulton School District  
151 East Cherry Street  
McConnellsburg, PA 17233

For the purposes of this policy, whenever a student has attained eighteen (18) years of age or is attending an institution of post secondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the eligible student.

Records Of Requests And Disclosures

The CFSD shall for each request for, and each disclosure of, personally identifiable information from the educational records of the student maintain a record kept with the educational record of the student which indicates:

1. The parties who have requested and/or obtained personally identifiable information from the educational records of the student.
2. The legitimate interest these parties had in requesting or obtaining the information and the date access was given.

The above paragraph does not apply to:

1. Requests by, or disclosures to, a parent/guardian of a student or an eligible student.
2. Requests by, or disclosures to, school officials.
3. If there is written consent of a parent/guardian of a student, or an eligible student.
4. Requests for or disclosure of directory information.

It shall be the responsibility of the Director of Special Education to maintain for public inspection a listing of names and positions of those employees who are authorized to have access to the students' educational records.

The record of requests and disclosures may be inspected by the parent/guardian of the student or the eligible student.

The record of requests and disclosures may be inspected by the school official, by the CFSD official and his/her assistants who are responsible for the custody of the educational records; and the record of requests and disclosures may be inspected for the purpose of auditing the recordkeeping procedures of the CFSD by authorized parties.

Accumulation Of Data

All data shall be collected only with the prior informed consent of the eligible student and/or parent/guardian. Consent may be granted individually or by representation (the CFSD Board of Directors) depending on the information to be collected.

The CFSD may provide consent for the gathering of certain types of information. Representational consent shall be sufficient for the administration of group achievement, criterion referenced, informal ability and aptitude tests.

Individual written consent shall be required for initial individual psychological or psychiatric assessments and personality measures. This consent will be secured according to the procedures outlined in the special education due process guidelines.

Classification And Maintenance Of Records

The CFSD shall develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release and destruction.

It shall be the responsibility of the Director of Special Education to implement the student records policy and to provide adequate in-service to the appropriate school district and CFSD personnel on this policy.

The CFSD shall give parents/guardians of students in attendance or eligible students in attendance, the following notice of rights. The notice will be given annually and will be given by such means as are reasonably likely to inform them:

1. The parents/guardians of students and eligible students have the right to file complaints pursuant to any portion of this policy by contacting the Superintendent or designee of the CFSD. If further appeal is necessary, parent/guardian of the student or the eligible student may contact the Family Educational Rights and Privacy Act Office, U.S. Department of Education in Washington, D.C.
2. The parent/guardian and/or the eligible student will be notified annually of the policies and procedures of the CFSD regarding educational records, the conditions for disclosure of information, access rights of parent/guardian or eligible student to student records, the data collected through representational consent and notice of where the pupil records policy may be obtained. Copies of this policy may be obtained by contacting the Director of Special Education.

The student's educational records will include the following types of personally identifiable data and information:

1. Official and administrative records that are considered the minimal personal data necessary for the operation of the educational system. Specific identifying data includes names, addresses and telephone numbers of parents/guardians or surrogate parents, place and date of birth, academic work completed, level of achievement in terms of standardized achievement test scores, attendance data on awards, activities and other similar types of information.
2. Scores on standardized intelligence and aptitude tests, personality inventory results, health data, family background information, systematically gathered teacher observations, individual educational programs, and verified reports of serious or recurrent behavioral patterns.
3. Potentially useful information but not yet verified or clearly needed beyond the immediate present. For example, findings of a clinical psychologist and/or psychiatrist and unevaluated reports of teachers, supervisors, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions.

All student records will be maintained for the full period of time that the student is enrolled in a CFSD educational program.

Records of students leaving the CFSD programs shall within seven (7) days be returned to the district of residence. Records of students leaving the CFSD programs to enroll in another school will within seven (7) days of written request be forwarded to the new school district. A copy of these records will be maintained by the CFSD for one (1) year following the transfer of a student. The CFSD will retain basic student information on file for a period of at least one hundred (100) years beyond the date the student attains the age of twenty-one (21).

#### Destruction Of Records

The CFSD will annually review the student's educational records for the educational relevancy.

The CFSD shall inform the parent/guardian of the student or eligible student when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services.

Upon the request of the parent/guardian of the student or eligible student, information no longer relevant may be destroyed at the discretion of the CFSD. However, a written record of the student's name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for at least one hundred (100) years beyond the date the student attains the age of twenty-one (21).

Prior to the destruction of information, the CFSD will send written notification to the parent/guardian of the student or eligible student informing them of their right to receive a copy of the materials to be destroyed.

Release Of Information

*Prior Consent For Disclosure Required -*

1. The CFSD shall obtain the written consent of the parent/guardian of the student or the eligible student before disclosing personally identifiable information from the education records of the student, other than directory information, except as provided for in this document.
2. Whenever written consent is required, the CFSD shall presume that the parent/guardian of the student or eligible student giving consent has the authority to do so.
3. If, under this section, parental consent is required for release of information, prior to requesting consent, the CFSD shall provide the parent/guardian with the concise written explanation which shall include a general description of the information or record to be released, the form of the release, the reason the release was requested, the party or agency requesting the release, and the party or agency to which the release is made. In addition, the consent of the parent/guardian of the student or the eligible student shall be signed and dated by them.
4. If an approved private school in which the student is enrolled is requested by either the student's school district of residence, the student's CFSD or the Department of Education, to release information from the records of the student, the approved private school shall comply with the request within seven (7) days of its receipt of the request.

<p>Pol. 250</p>	<p><u>Prior Consent For Disclosure Not Required</u></p> <p>Consent is not required under this section when the disclosure is to the parent/guardian of the student who is not an eligible student or the student himself/herself.</p> <p>The CFSD may disclose personally identifiable information from the education records of the student without the written consent of the parent/guardian of the student or the eligible student if the disclosure is:</p> <ol style="list-style-type: none"><li>1. To other school officials, including teachers within the CFSD, who have been determined by the CFSD to have legitimate educational interests.</li><li>2. To officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth below.</li></ol> <p>Prior consent for disclosure is not required to authorized representatives of the Comptroller General of the United States, the Secretary, the Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or State Educational Authorities.</p> <p>Prior consent for disclosure is not required of state and local authorities or officials to whom information is specifically required to be reported or disclosed pursuant to state and federal laws and regulations.</p> <p><u>Armed Forces Recruiters</u></p> <p>The Superintendent shall make available to all armed forces recruiters the same access to senior students as is available to institutions of higher education, trade schools, and prospective employers.</p> <p>Information released to military recruiters shall include, but not be limited to, a list of senior students (male and female) by name, home address and, if published, telephone number, who will graduate from school at the end of the respective academic year. This list will be available to military recruiters by the first day of the academic year in which the senior student graduates.</p> <p>The district shall notify the students in writing, prior to the end of their junior year, of these requirements. Students shall have twenty-one (21) calendar days to request, in writing to the Superintendent, the exclusion of the student's name prior to the release of such list.</p>
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<p>20 U.S.C. Sec. 1232(g) (I) 34 CFR Part 99</p>	<p>If the Superintendent does not comply with this requirement, s/he shall, upon conviction, be sentenced to pay \$100 per day until such information is furnished.</p> <p>Any costs incurred by the district for the release of such information will be reimbursed by the armed forces recruiter upon written proof of expenses.</p> <p><u>Conditions For Disclosure To Officials Of Other Schools And School Systems</u></p> <p>The CFSD may, without consent of the parent/guardian or eligible student, disclose personally identifiable information from the educational records of the student to officials of a school system in which the student intends to enroll, provided the parents/guardians have been made aware of their right to receive a copy of the record if desired, and have an opportunity to challenge the record's content.</p> <p>The CFSD may, without consent of the parent/guardian or the eligible student, disclose personally identifiable information from the educational records of the students, if:</p> <ol style="list-style-type: none"><li>1. Such release is authorized by 20 U.S.C. § 1232 (g)-1232 (I) (1970) and 34 C.F.R. Part 99 (1976).</li><li>2. The information released is directory information.</li><li>3. The agency releasing the information or records is an approved private school and the agency receiving the information or records is the student's school district of residence, the CFSD or the Department of Education, if the receiving agency has requested the information in order to review, re-evaluate or monitor the student's placement, educational progress or enrollment status at the approved private school.</li><li>4. The agency requesting the information or record is a school district in which the student is enrolled or seeks to be enrolled.</li></ol> <p><u>Conditions For Disclosure In Health And Safety Emergencies</u></p> <p>The CFSD may disclose, without prior consent of a parent/guardian or eligible student, personally identifiable information from the educational records of the student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.</p>
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The factors to be taken into account in determining whether personally identifiable information from the educational records of the student may be disclosed under this section shall include the following:

1. The seriousness of the threat to the health or safety of the student or other individuals.
2. The need for the information to meet the emergency.
3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency.
4. The extent to which time is of the essence in dealing with the emergency.

Directory Information

The CFSD may, without parental consent, or consent from the eligible student release information from the educational records of an individual no longer enrolled in that agency, if the information is directory information.

The CFSD may, without parental consent, release personally identifiable information from the educational records of a student, who is enrolled in the agency, if that information has been designated as directory information.

The CFSD shall designate the types of personally identifiable information and it shall give public notice of the following:

1. The categories of personally identifiable information which the CFSD has designated as directory information.
2. The right of the parent/guardian of a student or eligible student to refuse to permit the designation of any or all categories of personally identifiable information with respect to that student as directory information by giving the CFSD written notice within thirty (30) days of the publication of the public notice.

The CFSD shall make public notice of this section by mailing the notice to the parent/guardian.

Requests To Amend Educational Records

The parent/guardian of a student or eligible student who believes that information contained in the educational records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the CFSD which maintains the records amend them.

The CFSD shall decide whether to amend the educational records of the student in accordance with the request within thirty (30) days of receipt of the request.

If the CFSD decides to refuse to amend the educational records of the students in accordance with the request, it shall so inform the parent/guardian of the student or the eligible student of the refusal, and notify the parents/guardians of the student or eligible student of the reasons for rejection. Further, the CFSD shall advise the parent/guardian of the student or the eligible student of the right to a hearing.

Right To A Hearing

The CFSD shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's educational records to ensure that information in the educational records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

The hearing required to be held shall be conducted according to procedures which shall include the following elements.

The hearing shall be held in a mutually agreeable time and place, within thirty (30) days after the CFSD has received a request, and the parents/guardians of the student or the eligible student shall be given notice of the date, place and time, five (5) days in advance of the hearing.

The hearing may be conducted by any impartial party, including an official of the CFSD who does not have a direct interest in the outcome of the hearing.

The parents/guardians of the student or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issue raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.

The CFSD shall make its decision in writing within thirty (30) days after the conclusion of the hearing.

The decision of the CFSD shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the CFSD decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the educational records of the student accordingly and so inform the parents/guardians of the student or eligible student in writing.

If, as a result of the hearing, the CFSD decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, it shall inform the parents/guardians of the student or eligible student of the right to place in the educational records of the student, a statement commenting upon the information in the educational records and/or setting forth any reason for disagreeing with the decision of the CFSD:

1. Any explanation placed in the educational records of the student shall be maintained by the CFSD as part of the educational records of the student as long as the record or contested portion thereof is maintained by the CFSD.
2. If the educational records of the student or the contested portion of the educational records is disclosed by the CFSD to any party, the explanation shall also be disclosed to that party.