

# TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

No. 216 AR

SECTION: PUPILS

TITLE COLLECTION, MAINTENANCE  
& DISSEMINATION OF  
STUDENT RECORDS

ADOPTED: April 20, 2015

REVISED: April 14, 2006

## 216 AR COLLECTION, MAINTENANCE & DISSEMINATION OF STUDENT RECORDS

1. Consent for Collection. No information shall be collected from students without prior informed consent of the child and his parents. Such consent may be given either individually by the child and parent or guardian or through their legally elected representatives, Turkeyfoot Valley Area Board of School Directors, depending on the nature of the information to be collected. The parents shall be afforded reasonable opportunity to contest the necessity or desirability of particular data collection processes or the proposed use of such data. Parents will also have the right to challenge the designation and release of directory information.
2. Individual Consent. In all situations where individual consent of parent or student is to be obtained, it should be sent out to the parent in his/her native language unless it clearly is not feasible to do so. This consent shall be obtained in writing. Informed individual consent of each student and/or his parents will be required before proceeding with personality testing and assessment. Individual consent is required before proceeding with personality testing and assessment. Individual consent is required before any information not directly relevant for educational purpose is solicited from students or parents. In situations where individual student consent is required, the students should be reasonably competent to understand the nature and consequences of his decision. Where interviews or diagnostic tests by school counselor, social consequences of his decision. Where interviews or diagnostic tests by school counselor, social worker, nurse, psychologist, or Principal are desirable, informed consent is required. Where reasonable doubt exists about the capacity of the student to understand the implications of the situation, either because of the age or other circumstances, parental permission will be sought first. Where a student is clearly in need of intervention and declines to participate the professional shall seek parental consent.
3. Representational Consent. In situations where School Board consent is sufficient, students and their parents should be informed in advance of the character and purpose of the data collection. School Board consent will be sufficient in situations involving the reporting of skills and knowledge outcomes in subject matter areas now within the customary curricula of the public schools, and in use of standardized or informal aptitude and achievement tests and vocational interest inventories.
4. Parent Consent not Possible. Where this is not possible, the professional will inform the student as fully as possible about the data likely to be obtained. The professional will stress the voluntary character of the student's participation.
5. Intervention without Parent or Student Consent. If parental and student consent are not given, further steps to provide assistance should be initiated only if the professional is entirely convinced that intervention is imperative, both student and parents have been fully informed and the appropriate school authorities have consented.

6. Data Collection for Non-School Purposes. Where the data is to be collected for non-school purposes, either by school personnel or outsiders, (where students are to be used as subjects in research studies) then the above recommendations also should be fully applied, with the provision that prior consent must be obtained from responsible school authorities. In cases where data is to be collected under conditions of anonymity, the same informed consent will apply.
7. Location of Information. Since the Turkeyfoot Valley Area School District, Department for Exceptional Children programs operate in four counties, there is a need to house student records in four different locations. A person in each of the counties shall be designated as the responsible person for record maintenance and access policies. The Principal will act as the individual responsible for coordinating policies. The Principal will act as the individual responsible for coordinating policies and procedures for location of student records. All staff members will be in-serviced by the Principal with regard to the contents of this policy and is responsible for notifying parents of their right to inspect the records.
8. Destruction. Parents of students will be notified when personally identifiable information in the records of the students is no longer relevant to and necessary for the provision of educational services to the student. Parents may request that information no longer relevant to and necessary for the provision of educational services to the student be destroyed. However, a written record of a student's name, address, phone number, grades, attendance records, classes attended, grade level and year completed will be maintained for at least 100 years beyond the student's attainment of age 21. Prior to destruction of information referred to in paragraph B above, the school shall send a written notification for the parents informing them of their rights to receive a copy of the material destroyed. Educational records with information necessary for the education of a student enrolled or previously enrolled will not be destroyed.
9. Record Filing at Termination. When a student graduates, his/her folder of information is placed in an inactive file.
10. All information regarding pupils and their families will be collected and maintained under such safeguards of privacy as may be obtained through informal consent, verification of accuracy, limited access, selective discard and appropriate use. The Turkeyfoot Valley Area School policy for release of information conforms to Family Educational Rights and Privacy Act.
11. Release of Information. Written consent of parents or eligible student shall be obtained by the school before education records or personally identifiable information contained therein is released to any party, except for those listed below where no consent is required. A "consent to release" form will be sent to the parent or eligible student to be completed before appropriate records are released. Records will be released within seven days after receipt of the "consent to release" form. No consent of parents or student or necessary when records are to be released or inspected by:
  - A. Other school officials within the Intermediate Unit and the student's home School District who have a legitimate educational interest. These include professional personnel directly responsible for providing instruction to this student or responsible for the provision of support service, such as guidance counselors, health, psychologist, or social worker. Also persons charged with direct responsibility for the health and safety of children while in attendance at school.
  - B. Authorized representatives of the Comptroller General of the U.S., HEW Secretary, Commissioner, the Director of NIE, or the Assistant Secretary for Education, or State educational authorities. 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. Appropriate authorities in a health and safety emergency after consideration of the seriousness of the treat, the need for the information to meet the emergency, the position of the requesting party to deal with emergency, and the extent to which time is of the essence in meeting the emergency.
  - C. Officials of other primary and secondary schools including approved private schools to which the

student intends to transfer, and records will be transferred within seven days of request. Parents may have a copy of transferred records upon written request.

- D. In compliance with Judicial Order, parents shall be notified of the order and the School's compliance.
- E. Directory information may be released without parental consent provided after giving public notice to the parent, the parents do not object in writing within 30 days of the notice to what is included in directory information with respect to that student.
- F. Directory information may be returned from approved school to student's school district of residence or student's Intermediate Unit, of the Department of Education without parental consent.

12. **Parent Access Rights.** Parents shall be permitted to inspect and review any personally identifiable data relating to their children which is collected, maintained or used by the School District. It is further specified that the request shall be complied within no more than thirty days and prior to a conference regarding an I.E.P. and prior to a hearing relating to the identification, evaluation or placement of a child. The parents have a right to a verbal explanation of their child's record by a qualified professional. In order for the parent and/or student or a representative designated by the parent to inspect, review or copy the educational records, a written request must be made to the Director of Special Education. Upon receipt of the written request, the Director of Special Education or his designated representatives will arrange for a conference with the parents and/or student or a designated representative of the parents. Parents shall have the right to request a list of the types and the location of the child's educational records collected, maintained or utilized by the school. A list of names and positions of those authorized to have access to personally identifiable information shall be available for inspection at each office where records are kept. In instances where records include data on more than one child the parents shall have the right to inspect and review only the data relating to their child or to be informed of that specific data. Upon request, the parent will be provided with a copy of all or part of the educational records of the student. The School District may charge fees for copies of records which are made for parents, provided that the fee does not effectively prevent the parents from exercising their right to inspect and review those records.
13. **Student Access Rights.** Whenever a student has attained eighteen years of age or is attending an institution of post-secondary education, the rights accorded to and the consent of the parent of the student shall thereafter only be accorded to and required of the student.
14. **Access Record.** A record of parties who have obtained access to those educational records of a student that are collected, maintained or used shall be kept by the school. The access record shall include the name of the party, the date and the purpose for which the party was allowed to use the records. The parent shall have the right to inspect the access record kept for the educational records of his child. No record is required of authorized employees of the school, the students' parents or eligible student who have had access to the educational records of the student. The current list of the names and positions of those employees of the school system who are authorized to have access to personally identifiable information shall be maintained by the Principal for public inspection.
15. **Annual Notification of Rights.** Parents of students in attendance will be notified annually of their right to inspect the records, procedures to follow, location of Records Policy, record of disclosure of information, opportunity to amend the records and to request a hearing.
16. **Request to Amend Educational Records.** The parent of a student or an eligible student who believes that information contained in the educational records of the student is inaccurate, misleading or violates the privacy or other rights of the child may request the District to amend them by submitting a written notice to the Principal indicating which records are to be amended and the reason the amendment is requested. Upon receipt of written notification, the Principal or his designated representative will arrange for a conference with the parents and/or eligible student to resolve the conflict. The conference is to be scheduled within ten

school days of the notification. If the conflict has not been resolved as a result of the initial conference, the parent's challenge is to be reviewed by a review panel consisting of the Superintendent, Principal, Teacher and a Psychologist within a period not to exceed forty-five school days from the receipt of the parents' written notification. If the School District decides to refuse to amend the information, the Principal shall inform the parent, in writing, of the refusal and the specific reasons for refusal and shall also inform the parent of the right to request a receive hearing.

17. Records Hearing. The hearing shall be held at a mutually agreed upon time and place within 30 days after the School District receives the request for a hearing from the parent. The parent shall be notified in writing of the date, place and time of the hearing no later than 5 days in advance of the hearing.

The hearing shall be conducted by a party who does not have a direct interest in the outcome of the hearing. The party conducting the hearing may be an official of the School District. The parent shall be afforded a full opportunity to present relevant evidence and may be assisted or represented by persons of his choice at the hearing, which may include legal counsel.

The School District shall render a written decision on the issues presented at the hearing within 30 days after the conclusion of the hearing. The decision shall be based solely on the evidence presented at this hearing and shall include a summary of the evidence and the reason for the decision. If, as a result of the hearing, the School District 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 in writing.

If, as the result of the hearing, the School District decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parents or eligible students 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 decisions of the School District.

This explanation shall be maintained by the School District as part of the educational records of the student as long as the record or contended portion thereof is maintained by School District. If the educational records of the student or the contested portion thereof is disclosed to any party, the explanation shall also be disclosed to that party.

Reviewed 6/11/01, 4/17/06

