



Center Area School District

SECTION: PUPILS

TITLE: STUDENT RECORDS FOR
EXCEPTIONAL STUDENTS

ADOPTED: JANUARY 22, 2004

REVISED:

216.2. STUDENT RECORDS FOR EXCEPTIONAL STUDENTS

1. Authority

CONFIDENTIALITY

The District recognizes the need to protect the confidentiality of personally identifiable information in the education records of exceptional children. This policy has been prepared so as to ensure the privacy rights to both the parents and the exceptional child 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 (Pa. Code 22, Ch. 12, the Family Educational Rights and Privacy Act of 1974, the Confidentiality Section of P.L. 94-142, and the Confidentiality Standards for Special Education (Pa. Code 22, Ch. 341).

The Center Area School District will review and update this educational records plan as necessary. Any changes will be submitted to PDE for approval.

DEFINITIONS

"Destruction" means physical destruction or permanent expungement of personally identifying data from a student's education records so that the information in those records is no longer personally identifiable.

"Directory information" 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

heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, electronic mail address, photographs, dates of attendance, grade level and other similar information.

"Education record/records" means those records which are directly related to an exceptional student, and are maintained by an educational agency or institution. This includes records on a student who is currently or who in the past: received special education and related services from a school district or Intermediate Unit; enrolled in

an approved private school for exceptional students whose tuition is paid for by the PDE and the student's local school district; enrolled in a special education program operated by PDE; or enrolled in the Scranton State School for the Deaf. (Personal notes of instructional, supervisory, and administrative personnel are not considered to be part of the education record.)

"Educational agency/agencies" means a school district or an intermediate unit, an approved private school, the Department of Education, or the Scranton State School for the Deaf, and any component parts thereof which collect, maintain, or use the exceptional student's education records containing personally identifiable information or from which such records or information is obtained.

"Personally identifiable" includes data or information that identifies the student or family members by name, by address, by information such as telephone or social security numbers, or by a list of characteristics or other information that could make the student's identity easily traceable.

"Release" the giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student's education records which includes in it personally identifiable information: the term also means "release to any person by any means."

"Student" means exceptional school age person or preschool pupil with respect to whom an educational agency maintains education records.

"Parent" includes a parent, guardian, or a surrogate parent who acts as a parent in the absence of a parent or guardian. Unless there is a State law or court order which provides to the contrary, the intermediate unit may presume that the parent has the authority to exercise the rights inherent in the Family Rights and Privacy Act of 1974.

"Eligible student" means a student who has attained eighteen years of age, or is attending an institution of postsecondary education.

"Authorized school official" means administrator, supervisor, or instructor who has a legitimate educational interest (as defined by the LEA or APS in the student's education.

PARENT ACCESS RIGHTS

A parent, eligible student, or designated representative shall have access to the student's educational records within 30 days of receipt of written request in order to inspect, review or copy education records.

A parent also has the right to request and receive the following:

1. An explanation of information in the student's education records;
2. A copy of all or part of the student's education record(the cost of which will not exceed the cost of duplication).
3. A list of the types and location of the student's education record collected, maintained, or utilized by the LEA.

If an education record includes information on more than one student, inspection and review will be limited to the information relating to the student of concern in order to safeguard the confidentiality rights of all students.

STUDENT ACCESS RIGHTS

When a student is eighteen years of age or attending a postsecondary education institution, the rights accorded to and consent required of a student's parent by 341.61-341.70 will only be accorded to and required of the student.

ACCESS RECORD

The Center Area School District will maintain a record indicating the names of those persons who have obtained access, the date of access, and the purpose for access. A list of the names and positions of those agents and employers of the LEA who are authorized to have access to personally identifiable information shall also be maintained.

A parent has the right to inspect the access record of his/her child.

MAINTENANCE OF RECORDS

The District Superintendent/designee shall be responsible for ensuring that the education records, confidentiality rules established under 22 Pa. Code, Chapter 341, paragraph 341, 61(b) of Title 22, Part XVI, Chapter 341 and this Education Records Policy for Exceptional Students are enforced and administered. This official will:

1. Annually notify parents and eligible students of this policy; its procedures, and their rights. The notification shall be in their primary language unless it is not feasible to do so;
2. Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release, and destruction.
3. In-service all LEA employees who collect, or use personally identifiable

information regarding the implementation of this policy;

4. Maintain for public inspection a current listing of the names and positions or those agents and employees of the LEA who are authorized to have access of personally identifiable information.

DESTRUCTION

The Center Area School District will inform the parents of a student when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services to the student.

Upon the parents' request, information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed. Only in this situation is the LEA or APS required to destroy education records. Prior to the destruction of this information, the parents will receive written notification informing them of their right to receive a copy of the material to be destroyed.

The Center Area School District will not destroy any or part of an education record or personally identifiable information necessary for the education of a student who is enrolled or has been enrolled in a program operated by Center Area School District.

RELEASE OF INFORMATION

In order to protect the rights of a student and his/her parents against infringement of privacy, misinterpretation of data, and inappropriate use, the Center Area School District shall obtain the written consent of the student's parent or the eligible student prior to disclosing personally identifiable information from the education records of a student, other than directory information, except when prior consent for disclosure is not required by law.

Prior consent for release of such information is not required when disclosure is: 1) To authorized school officials who have been determined by the Center Area School District to have a legitimate education interest (a legitimate educational interest for an authorized school official means that this official will have administrative, supervisory, or instructional duties with regard to the student's educational program); 2) To officials of another school or school system in which the student is enrolled or intends to enroll; 3) To appropriate officials of the U.S. Department of H.E.W.; 4) 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; or 5) To comply with a judicial order or lawfully issued subpoena, provided the Center Area School District makes a reasonable effort to notify the parent of the student, or the eligible student of the order or subpoena in advance of compliance.

Written consent will be obtained prior to release of personally identifiable information to any party not mentioned above. Prior to requesting consent, the Center Area School District will provide the parent or eligible student in writing with the following: 1) a general description of the information or record to be released; 2) the form of the release; 3) the reason the release was requested; and 4) the party or agency to whom the information will be released.

Whenever the student's school district of residence, intermediate unit, or the Department of Education requests the release of information, an Approved Private School must comply with the request within seven days of receiving the request.

When a school district in which the student is enrolled or intends to enroll requests the release of information, the Center Area School District will comply with the request within seven days of receiving the request.

DIRECTORY INFORMATION

Directory information that is released may be on either a former student or one currently enrolled.

The Center Area School District shall give public notice of the categories of personally identifiable information which they have designated as directory information. This notice may be accomplished by a mailing to the parent. Parents or eligible students have the right to refuse to permit this designation and/or the release of any or all of this information; however, the parent or eligible student must register his/her protest in writing within THIRTY (30) days of the public notice.

PARENT REQUEST FOR AMENDMENT OF RECORDS

A parent has the right to request the Center Area School District amend information contained in education records collected, maintained or used by the Center Area School District if s/he believes it to be inaccurate, misleading, or in violation of the privacy or other rights of the student.

Subsequent to a request for an amendment, the Center Area School District shall decide whether to amend the disputed information within forty-five (45) days after the receipt of the request to amend.

If the Center Area School District agrees to amend the disputed information, the parent or eligible student shall be notified in writing.

If the Center Area School District decides not to amend the education records in accordance with the request of the parent, the Center Area School District shall inform the parent in writing of the refusal, the reason(s) for the refusal, and shall

	<p>provide further notification of their right to request and receive a records review hearing.</p> <p>The following procedure will be followed when the opportunity for a hearing is actualized:</p> <ol style="list-style-type: none">1. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the Center Area School District receives the request for a hearing from the parent;2. The Center Area School District shall give written notification to the parent of the date, place, and time of the hearing not later than five (5) days in advance of the hearing;3. The hearing will be conducted by any party who does not have a direct interest in the outcome of the hearing (this could include an official of the Department of Education);4. The parent shall be afforded a full and fair opportunity to present evidence relevant to the specific information and reason(s) for requesting that information be amended, and may be represented at his/her own expense by an individual of his/her choice, including legal counsel;5. The Hearing Officer shall render a written decision within thirty (30) days of the conclusion of the hearing. This decision shall be based solely on evidence presented at the hearing and include a summary of the evidence and reasons for the decision.6. If the decision rendered is to amend the education record(s), the Center Area School District will inform the parent of this in writing; and7. If the decision rendered is not to amend the education records, the Center Area School District shall inform the parent in writing of his/her right in the education record and/or reasons for disagreeing with it in the actual record. The parental statement will be part of the record and released as such for the duration of the time the record is maintained. <p>A parent and an LEA may meet by mutual agreement, prior to a request for a hearing, or a hearing, to consider parental concerns about an educational record.</p>
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