



Book	Policy Manual
Section	200 Pupils
Title	Confidentiality and Maintenance of Student Records
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### **Purpose**

Student records are essential to the successful delivery of formal education at the elementary and secondary levels. The purpose of this policy is to establish a system for the maintenance, use, and destruction of student records that enables the district to educate children thoroughly and efficiently and to do so in a manner consistent with the privacy rights guaranteed by state and federal law.[\[13\]](#)[\[1\]](#)[\[28\]](#)[\[29\]](#)[\[2\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)[\[33\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

This policy provides:

1. Notice to parents/guardians and eligible students who reside in the Tamaqua Area School District.
2. Notice of rights under FERPA for elementary and secondary students in the Tamaqua Area School District.
3. Notice to parents/guardians of incarcerated students and incarcerated eligible students.

Family Educational Rights and Privacy Act (FERPA) grants parents/guardians and students over eighteen (18) years of age (eligible students) certain rights with respect to the student's education record. These rights are:[\[2\]](#)[\[32\]](#)

1. The right to inspect and review the student's education records within forty-five (45) days of the date the district receives a request for access.

Parents/Guardians or eligible students should submit to the school principal or other appropriate school administrator a written request that identifies the records they wish to inspect. The responsible administrator will make arrangements for access and notify the parent/guardian 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/guardian or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parent(s)/Guardian(s) or eligible students may ask the Tamaqua Area School District to amend a record that they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. They should write the school principal or other appropriate school administrator, 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(s)/guardian(s) or eligible student, the district will notify the parent(s)/guardian(s) or eligible student of the decision and advise them of their right to a hearing regarding their request for the amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorized disclosure without consent.

One (1) exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interest. 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); a person serving on the School Board; a person or company with whom the district has contracted as its agent to provide a service instead of using its own employees or officials (such as attorney, auditor, medical consultant, or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her task.

A school official has a **legitimate educational interest** if the official needs to review an educational record in order to fulfill his/her professional responsibility.

Upon request, the district discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

The district may also disclose, without consent, directory information, such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance, etc. In the event a parent/guardian or eligible student does not want directory information disclosed, the parent/guardian or eligible student must inform the district in writing through the appropriate school administrator within forty-five (45) days of the publication of this notice.

4. The right to file a complaint with the United States 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, D.C. 20202-5920.

### **Definitions**

The Board designates that the following words or phrases shall have the following meanings, unless otherwise indicated in the text of this policy.

**Biometric Record** - a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

**Category A** - This file contains the minimum personal data necessary for the operation of the school system. Identification of student, names and addresses of parents/guardians, last known home address and telephone number, electronic mail address, birth date, attendance records, enrollment status, classes attended and academic levels completed or services received, year of program or service completion, and when applicable, grades or marks received, grade level completed, and whether a diploma was received. The file may also include achievement tests scores, honors, awards, activities, photographs, or other similar types of information.

**Category B** - This file's data is verified information of clear importance such as intelligence and aptitude scores, interest inventories, health data, family information, teacher or counselor observations and reports of serious acts of misbehavior and behavior patterns. This file also contains the documents that pertain to special education and related services the student received or service plans provided as a protected handicapped student, documents that pertain to evaluation procedures to determine if a student was eligible for special education services as a student with a disability or with mental giftedness or for other accommodations such as a Chapter 15 Service Agreement.

**District** - The Tamaqua Area School District and its administrators, employees and agents, individually or collectively. The term does not include any other public or private school or other educational agency, or any officer, employee or agent thereof, at which district residents are enrolled or from which district residents receive services.

**Destruction, Destroy** - The physical destruction or permanent removal of personally identifying data from the education records of a student so that the information in those records is no longer personally identifiable.[3]

**Directory Information** - Any information contained in an education record of a student, which would not generally be considered harmful, or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone number (unless unlisted), electronic mail address, photograph, 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, date of graduation, and similar information when, in the judgment of the responsible administrator, the release of such information would not be harmful to or constitute an invasion of privacy for the student or his/her family.[2][5]

Directory information may be released without permission, except when prohibited by a parent/guardian or eligible student in accordance with district regulations. Parents/Guardians or eligible students must notify, in writing, the respective district administrator of such requests.

**Disclosure** - To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that

provided or created the record.[5]

**Education Records** - Records which are directly related to a student and are maintained by the school district or by a party or agency acting for the school district.[2][5]

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The following are exceptions to the above definition and not classified as education records:

1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records (files, documents, and other materials) of the law enforcement unit of the district that are:
  - a. Created by law enforcement unit.
  - b. Created for a law enforcement purpose.
  - c. Maintained by law enforcement unit.

Records of law enforcement unit does not mean:

- a. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the district.
  - b. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the district other than the law enforcement unit.
3. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business; relate exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other purpose.
    - a. Records relating to an individual in attendance at the school district that is employed as a result of his/her status as a student are education records and not excepted as defined above.
  4. Records on a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education that are:
    - a. Records created and/or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity, which are made, maintained, or used in connection with treatment of the student; and are released only to those professionals who provide treatment. The term **treatment** does not include remedial educational activities or activities that are part of the program of instruction of the school district.

5. Records, such as follow-up studies, which contain information concerning persons who are no longer students in the school district.
6. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
7. Grades on peer-graded papers before they are collected and recorded by a teacher.

#### **Educational Agency or Agencies -**

1. A school district, an intermediate unit, or contracted service provider or any component part thereof which collects, maintains, or uses a student's education records containing personally identifiable information or from which records or information is obtained.
2. An approved private school and any component thereof which, with regard to a student with a disability who is enrolled or has been enrolled in the approved private school as an approved placement student according to the provisions of Section 1376 of the Public School Code of 1949 and the regulations, standards and guidelines thereto, collects, maintains, or uses the student with a disability's education records containing personally identifiable information or from which records or information is obtained.[4]
3. The Department and any component thereof, to the extent that the Department collects, maintains, or uses a student's education records containing personally identifiable information or releases such records or information.
4. Intermediate Unit 29 and any component thereof, to the extent that Intermediate Unit 29 collects, maintains, or uses the student with a disability's education records containing personally identifiable information or releases such records or information.

**Eligible Student** - A student about whom the district maintains records and who is eighteen (18) years of age or is attending an institution of postsecondary education. All rights and authority afforded to parents/guardians by this policy, including the authority to consent to disclosure of personally identifiable information, shall transfer to the student when s/he becomes an eligible student.

**Law Enforcement Unit** - Any individual, office, department, division, or other component of the district, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by the district to:

1. Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the district itself.
2. Maintain the physical security and safety of the agency or institution.

**Law Enforcement Unit** also is defined as a component of the district that does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the district, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

**Legitimate Educational Interest** - Direct involvement with the health, education, safety, and welfare of the students of the district.

**Parent** - A natural or lawfully adopted parent or legal guardian of a student or surrogate parent appointed in accordance with state and federal regulations, or a person acting as a parent who is supporting a student gratis and has signed an affidavit assuming educational responsibility for the student in accordance with the Public School Code. The district shall afford to any person who qualifies as a parent under this section all of the rights afforded to parents by this policy or by any state or federal law, unless the responsible administrator receives and has reasonable opportunity to review a lawful custody order, divorce decree, separation agreement or similar document expressly terminating the right of that person to receive or have access to the student's records. The district does not assume responsibility for the discovery or location of such information.

**Personally Identifiable Information** - Includes, but is not limited to:<sup>[5]</sup>

1. The name of student, the student's parents/guardians, or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

**Records** - Information or data stored in any format including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

**Release** - The giving of access or the transfer, disclosure, or communication of the student's education records, in whole or in part, which contain personally identifiable information to any party by any means.

**Representational Consent** - Approval given by the Board of School Directors.

**Responsible Administrator** - A director, officer, agent or employee of the district who is responsible for the collection, maintenance, disclosure, and destruction of student records and for ensuring compliance with state and federal laws applicable to those activities. The term also includes any person designated by the responsible administrator to perform any of the foregoing responsibilities, including assistants and school secretaries.

**School Officials** - Professional personnel who provide instruction, who render support services, and/or who are responsible for the health, safety, and welfare of the students.

**Student** - Any school-aged person or preschool pupil with or without a disability with respect to whom an educational agency maintained education records.

**Authority**

The Board shall adopt a comprehensive plan for the collection, maintenance and dissemination of student records and complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the district and revised as required by changes in federal and state law. The Board of School Directors has primary responsibility in this district for the compilation, maintenance, access to and security of student records. The staff may compile only records mandated by the Commonwealth or federal government or specifically permitted by this Board. The Board hereby authorizes the following student records:[13][1][28][29][2][30][31][32][33][6][7][8][9]

1. Observations and ratings of individual students by professional staff members acting within their sphere of competency and responsibility.
2. Health records as required by law.[10][11][9]
3. Samples of student work.
4. Information obtained from authorized standard instruments of measurement such as but not limited to, aptitude tests, vocational preference inventories, achievement tests, functional behavioral assessments, and intelligence tests.
5. Authenticated information provided by a parent/guardian or student concerning achievements and other school activities, which the student wants to make a part of the record.
6. Discipline record of the student to include verified report of serious or recurrent behavior patterns.[12]
7. Extracurricular activities and achievements.
8. Rank in class and academic honors earned.

In accordance with law, each teacher in this district shall prepare and maintain a record of work and progress of each student and present such record, including the final grade and recommendation for promotion or retention, to the Superintendent.[13][14][15]

The Board authorizes the responsible administrator or his/her designee to forward education records on request to a school in which a student of this district seeks to enroll or intends to enroll.

**Delegation of Responsibility**

The Superintendent shall prepare for the consideration and approval of the Board a comprehensive plan for student records other than directory information, which shall conform to the Guidelines for Collection, Maintenance and Dissemination of Pupil Records and federal guidelines implementing the Family Educational Rights and Privacy Act (Public Law 93-380).[2][32]

The Superintendent or designee shall be responsible for implementing and monitoring the adopted student records plan which meets all legal requirements.

## **Guidelines**

### **Collection of Data**

District staff shall compile only those educational records mandated by federal and state laws and regulations.

1. Collection of data that are intended to become part of a student's permanent record shall be authorized by individual consent of the student or parent/guardian or by prior representational consent.
2. Representational consent by the Board of School Directors shall be sufficient approval for the administration of tests such as, but not limited to, achievement, ability and aptitude tests, if parents/guardians are informed in writing of the nature, purpose and use of the planned testing program. The school district will disseminate the above information by its annual public notice, which is, provided to each student at the start of each school year, is available for review in all district offices and via the district's web site and is available by contacting the Office of Student Services.
3. Representational consent shall be sufficient also for the reporting of skills and knowledge outcomes (marks) in the subject matter areas.
4. Individual consent of the parent/guardian shall be required prior to personality, psychological, and psychiatric evaluation and before the collection of personal and family data which is not directly relevant to educational purposes. Consent of the student alone, however, shall be sufficient if said student is classified as an eligible student. Consent of the parent/guardian shall be solicited if a student, in the judgment of school officials, is not responsible to give consent.
5. Individual consent shall be in writing.
6. The concept of confidentiality shall also be applied, when practical, to interviews and data obtained by counselors, nurses, psychologists, and similar personnel. A real effort shall be made to inform the student and/or parent or legal guardian of the reasons for the interview or data gathering, the voluntary character of participation, the types of questions that will be asked and the proposed professional and confidential use of the information.
7. Data for nonschool medical and social science research studies shall not be collected without prior consent of the Board of School Directors and voluntary consent of the parent/guardian or student. The agency conducting the study shall be responsible for obtaining the consent.
8. For school purposes, medical and health records shall be collected and maintained as required by school law.[11]

### **Classification and Maintenance of Data**

1. Category A data shall be filed for 100 years and maintained in the district.
2. Category B data shall be destroyed six (6) years after the student has graduate or, in the case of a transfer or dropout, when the student reaches age twenty-one (21).



The responsible administrator or his/her designee shall present to the parent/guardian or eligible student or send by regular first-class mail, postage prepaid, to the last known address of the parent/guardian or eligible student a notice containing the following information: the identity of personal identifiable information that is no longer necessary to the provision of education or other services; a statement that the district may destroy this information at any time on or after a specified date not sooner than thirty (30) days from the date of the notice; a statement that the parent/guardian or eligible student may obtain this information in accordance with their rights under the Family Educational Rights and Privacy Act (FERPA), by requesting this information from the district before the specified date of destruction; a statement that the district will presume that the parent/guardian or eligible student does not want the information if a request is not received by the district before the specified date; a statement that the district must destroy this information within a reasonable time after the parent/guardian or eligible student requests the district to do so; and the identity, address and telephone number of the person or office to which the parent/guardian or eligible student should send requests for this information or for destruction.

Destruction of information shall not occur if, and so long as, one (1) of the following conditions exists: the parent/guardian or eligible student has requested the information or access to the information and has not yet received the information or access in response to the request; or the information is the subject of a lawful subpoena, discovery request or court order, of which the district is actually aware.

The district shall maintain a copy of the notice to the parent/guardian or eligible student after Category B files have been disseminated and/or destroyed.

3. The responsible administrator, counselors, or his/her designee assigned to the various buildings/departments of the school district are responsible for the student records in their buildings/departments.
4. The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.[16]

The district shall not charge a fee to search for or to retrieve information in response to a parental request.[16][17]

5. Copies of records may be denied if there is reasonable evidence that this type of disclosure will not serve the best interests of the student.
6. Confidential, personal files of professionals working in the school, including psychologists, social workers, counselors and others, shall be subject to the rules of professional ethics and the concept of confidentiality.
7. Records may be stored electronically in a manner that still allows for retrieval when requested.
8. The district does not require staff to archive electronic communications for any period of time.

9. Specific to special education records - records for active students will be maintained either in hard copy or electronic copy for a period of six (6) years. Records for the current school year and two (2) years prior will be stored in the special education office. Additionally, no more than three (3) years worth of prior records will be maintained in storage, either hard copy or electronically. Though a student may receive services within the district for more than six (6) years, only the most recent six (6) year's records will be maintained. Electronic copies may not contain signatures. Subsequent to graduation, dismissal from services, or withdrawal from the district, records will be maintained for a period of six (6) years either in hard copy or electronic copy.

### Security

1. The responsible administrator and/or his/her designee shall be responsible for properly maintaining student records; for developing methods of access to the records; and for conducting annual in-service meetings to acquaint new staff members with procedures, and to review and update procedures for continuing staff members.
2. Privacy rights of students and parents/guardians shall be guarded.
3. Student records shall be secured by lock whenever the student or other authorized persons are not reviewing them for educational purposes.
4. The school district shall maintain a record which lists the names of the parties who have obtained information from the students' records, the date access was given, and states the purpose for which the party is authorized to use the records. No record needs to be kept of disclosures to parents/guardians, students, or school officials.
5. Electronically stored records must be secured in a fashion similar to paper records.

### Disclosure of Information

1. The school may, without consent of parent/guardian or student, release a student's Category A and Category B data in the following situations:[18]
  - a. School officials within the school district who have a legitimate educational interest in reviewing a student's records may have access to the records.
  - b. Intermediate Unit officials or other contracted service providers who are responsible for operating classes for students with disabilities or students with mental giftedness or responsible for providing services to students of the school district may have access to the records of the students whom they serve.
  - c. Records may be forwarded to schools to which students intend to transfer if the parents/guardians have had notification of the transfer of records and the opportunity to obtain a copy of the records and to challenge their contents.
  - d. Authorized representatives of the Comptroller General of the United States, Secretary of the Department of Education, the Commissioner, the Director of NIE, the Assistant Secretary for Education, and the Pennsylvania Secretary of Education or his/her staff may have access to the records when use of the records is consistent with their powers and responsibilities.[7]

- e. The courts and administrative agencies with subpoena powers, such as Children's Services, have the right of access to student records. Parents/Guardians and/or students shall be notified of the order and school's compliance.

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  - f. In health or safety emergencies where the custodian of the records believes that a clear and present danger exists and where the requesting authorities have presented proper identification, records may be released.
  - g. 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.
  - h. 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, amount and conditions of the aid and enforce the terms and conditions of the aid.
2. The school may, with consent of the parent/guardian or eligible student, release Category A and B data to prospective employers, schools of higher education and others, provided individual consent is obtained.
  3. Category A data shall be accessible to the student, his/her parents/guardians, or their legal representative.
  4. Category B data shall be accessible to parents/guardians and to students who have received parental permission unless the student is considered an eligible student. In such a case, parental permission is not warranted.
  5. When courts or government agencies mandate the release of information concerning students, the principle of informed consent should apply in all cases except those under child abuse or neglect statutes (P.L. 239 of August 14, 1967).
  6. When a student attains the age of eighteen (18) years and is no longer in school, or is married whether or not s/he is eighteen (18), his/her consent alone must be obtained. This includes the right to deny parental access to the student's records. Consent of the parent/guardian will be solicited if a student, in the judgment of school officials, is not responsible to give consent.
  7. The right of access includes the right to challenge through due process procedures invalidity of information contained in the record.
  8. Parents/Guardians or eligible students shall request access to education records by contacting designated administrators and/or counselors. Access shall be granted within forty-five (45) days from the time of the request. The designated school officials shall be responsible for explaining and interpreting the records.[19][2]
  9. The right of access shall be exercised only by appointment at a time mutually convenient to the parties concerned.
  10. The school may provide anonymous data for outside research without consent when the likelihood of identifying an individual is negligible.

11. The disclosure of information will take place only by completion of the authorized form.
12. The district, upon request of a parent/guardian, shall permit the parent/guardian to inspect, review, or copy any education record relating to the child of that parent/guardian when such record is collected, maintained, or used by the district. The district shall comply with the request within forty-five (45) days after the request is received, but prior to a conference regarding an individualized educational program, and prior to a hearing relating to identification, evaluation, or placement of the child.[20]
13. A parent/guardian may also secure student records from the Intermediate Unit, when records are held by that agency, by completing a written authorization form. This form is available in the schools of the district and said student records will be provided to the parents/guardians as soon as they are received from the intermediate unit.

#### Challenge Procedures

1. Upon recommendation of the Superintendent, a committee consisting of from three (3) to five (5) professional persons, at least one (1) of whom shall not be an employee of the school district, shall be appointed by the Board of School Directors.
2. This committee shall hear and evaluate challenges and recommendations concerning student data being retained or being transferred to another category and may recommend possible solutions to student data problems.
3. A person wishing to challenge the validity of information contained in a student's record shall make a written request to the Superintendent, specifying the item or items to be considered.[21]
4. The Superintendent shall, within ten (10) school days, arrange an informal conference before considering use of the committee.
5. If the matter cannot be resolved in conference, the Superintendent shall arrange a meeting with the committee in not more than ten (10) school days following the conference, and shall notify the person requesting the meeting not less than five (5) school days prior to the meeting date. The notification to parents/guardians will include date, time, and place.[21][22][23]
6. All parties shall have the right to provide counsel and witnesses, to be heard, and to cross-examine. All parties have the right to request a written summary of the proceedings. The party who requests the summary is responsible for its costs, but the summary should be made available to all parties.
7. The decision of the committee shall be rendered within five (5) school days following the hearing, and shall be communicated to the appellant party in writing its findings and the basis for its findings through the Office of the Superintendent.

#### Result of Challenge Procedures

If, as a result of the hearing, the district decides that the information in the education record is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the district shall amend the information accordingly and inform the parent/guardian in writing.

If as a result of the hearing, the district decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the students, the district shall inform the parent/guardian or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why s/he disagrees with the decision of the district. This statement shall be made a permanent part of the student's education record for as long as the record or contested portion is maintained by the district and shall be included with the record or contested portion if the record or contested portion are disclosed to any party.

A person who believes the district is in violation of the Family Education Rights and Privacy Act shall be informed of his/her right under the Family Educational Rights and Privacy Act of 1974 to submit a written complaint to the Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue SW, Washington DC 20202.

### Confidential Procedures

1. Information revealed by a student in confidence to a teacher or school official other than those listed in section b. (below) is not privileged and may be repeated by that person without the student's consent.[24]
2. Information received from a student, in confidence, by a guidance counselor, school nurse, or school psychologist, in the school district, while in the course of their professional duties, is privileged information to the extent that it cannot be divulged in any legal proceedings, civil or criminal, without the consent of the student or, if still a minor, the student's parents or legal guardian.[24]
  - a. Such privileged information may be revealed with the student's consent at the discretion of the guidance counselor, school nurse, or school psychologist to the student's parents or legal guardian and to professional staff members, providing that the recipient is made aware of the confidential nature of the information.
  - b. An exception to paragraph a. concerns information received from the student by the guidance counselor, school nurse, or school psychologist concerning actual child abuse, neglect or injury, which the recipient is under legal duty to report to the authorities; it is at the discretion of the guidance counselor, school nurse, or school psychologist to report potential child abuse, neglect or injury.[25]

### Policy Availability

Copies of this policy, Confidentiality and Maintenance of Student Records, and regulations are available in the Office of the Superintendent, Office of Student Services and in each school building office. Copies of district policies are also available on the district's web site: [www.ridgwayareaschooldistrict.com](http://www.ridgwayareaschooldistrict.com).

### Right to Inspect, Review, and Copy

The school district recognizes the following:[2][32]

1. The right of a parent/guardian to request of and receive from the educational agency a reasonable explanation of information contained in the education records of the child.

2. The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child.

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3. The right of a parent/guardian to designate a representative who will inspect, review, or copy the records.
4. In education records including information on more than one (1) child, the right of the parents/guardians to inspect and review only the information relating to their child or to be informed of that specific information. (Prior to the parent/guardian copying or receiving a copy of a record on more than one (1) child, the agency shall delete, remove, or obscure from the record or its copy all personally identifiable information concerning any child who is not the parents'/guardians'.)

#### Disciplinary Disclosure

1. Prior to admission to the school district, the parent/guardian, or other person having control or charge of a student shall, upon registration for admission, provide a sworn statement or affirmation stating whether the student was previously suspended or expelled from any public or private school of the Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the willful infliction of injury to another person or for any act of violence committed on school property. Such registration shall be maintained as part of the student's disciplinary record. Parents/Guardians shall be advised that any willful false statements made under this section shall be a misdemeanor of the third degree.[12][26]
2. When a student transfers to this school district, a certified copy of the student's disciplinary record shall be requested and obtained from the school entity from which the student is transferring. This record shall be maintained as part of the student's permanent disciplinary record and shall be available for inspection as required by law.[12][1][28]
3. When the school district reports a crime committed by a child with a disability, the district shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the school district reports the crime. Disclosure of said records shall require written consent by the parent/guardian or eligible student prior to disclosure.[27]

However, the district initiating legal action against a student may disclose information relevant to the action to the court without a court order or subpoena only if the district makes reasonable effort to notify the parent/guardian or eligible student in advance of the disclosure so that the parent/guardian or eligible student may seek protective action.[18]

**Legal**

1. 24 P.S. 1305-A
2. 20 U.S.C. 1232g
3. 34 CFR 300.611

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4. 24 P.S. 1376
5. 34 CFR 99.3
6. 22 PA Code 4.52
7. 22 PA Code 12.31
8. 22 PA Code 12.32
9. 24 P.S. 1409
10. 28 PA Code 23.55
- 11. Pol. 209**
- 12. Pol. 216.1**
13. 24 P.S. 1532
- 14. Pol. 213**
- 15. Pol. 215**
16. 34 CFR 99.11
17. 34 CFR 300.617
18. 34 CFR 99.31
19. 34 CFR 99.10
20. 34 CFR 300.613
21. 34 CFR 99.20
22. 34 CFR 99.21
23. 34 CFR 99.22
- 24. Pol. 207**
- 25. Pol. 806**
26. 24 P.S. 1304-A
27. 34 CFR 300.535
28. 24 P.S. 1306-A
29. 24 P.S. 1402
30. 24 P.S. 1533
31. 22 PA Code 15.9
32. 34 CFR Part 99
33. 34 CFR Part 300
- 22 PA Code 16.65
- 35 P.S. 450.401-A et seq
- Pol. 113**
- Pol. 113.1**
- Pol. 113.4**

216-Attach.doc (34 KB)

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