

## **HIGHLANDS SCHOOL DISTRICT COMPREHENSIVE RECORDS AND CONFIDENTIALITY PLAN**

### **SECTION ONE: RATIONALE**

I. The Highlands School District (HSD) recognizes the legitimate need for collection and use of information concerning students in order to effectively address their education, psychological, social, emotional and physical development. While recognizing this need, it is also necessary to protect the rights to privacy and confidentiality of the student and the student's parents. Highlands S.D. will collect, use, maintain and disclose information regarding students (both past and present) for the following purposes:

- A. Verification or facilitation of an individual's placement or eligibility for placement
- B. Provision of information for making appropriate educational decisions
- C. Interpretation of educational information for professional staff
- D. Communication of educational information to the student (when appropriate), parents or legal guardian
- E. Analysis of student progress by HSD authorized agents including professional staff with "a need to know"
- F. Enabling District professional staff to counsel with parents, professional persons, and students regarding educational progress.
- G. When written authorization is given by parent/guardian/eligible student, transmission of evaluation results to professional sources outside the school setting and to other educational institutions
- H. Provision of any other records required by law
- I. Exchange of educational records within the justice system

II. Purpose for collection and maintenance of information.

- A. This information is maintained for the benefit of the student; therefore, only information that is of real or potential value in promoting the welfare of the student and that is necessary for meeting HSD's educational goals and objectives will be collected.
- B. Because the potential violation of privacy rights exists, HSD programs will adhere to strict guidelines in the collection, use, maintenance, disclosure, and destruction of student records.

III. Authorization

- A. This plan incorporates provisions from the Family Educational Rights and Privacy Act (FERPA) of 1974 and its subsequent amendments, the Protection of Pupil Rights Act ("the Hatch" act), the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Pennsylvania School Code, and the Pennsylvania Department of Education Regulations.
- B. This plan was developed at the direction of the HSD Board of School Directors through HSD policy 216. The HSD Superintendent of Schools has ultimate responsibility for the implementation of this plan. The Director of Pupil Personnel Services has direct responsibility for the implementation of the plan.

IV. **Applicability:** This plan covers all education records, which are maintained on all children, youth and adults referred for programs, enrolled in programs, and previously enrolled in programs of the HSD.

## **SECTION TWO: DEFINITIONS OF TERMS**

- I. “Authorized Agent” means an HSD employee who is given access to the student HSD records by this plan. “Annual Notice” means a statement given to parents to eligible students notifying them of their rights under the Family Educational Rights and Privacy Act (FERPA).
- II. “Consent” is a process in which the student or their representative gives permission for the sharing of information.
- III. “Destruction” means physical destruction or removal of personal identifiers from the information is no longer personally identifiable.
- IV. “Directory information” means information contained in an educational record of a former or present student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the student’s name, address, sex, date and place of birth, resident school district, transcript, major field of student, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full time or part time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.
- V. “Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in the student’s education records to any party, by any means, including oral, written or electronic means.
- VI. “Education Records” means those records that are directly related to a student, and maintained by HSD or by a party acting for the district.
- A. The term includes:
1. Directory information as defined in (1.5.4)
  2. Family identifying data, including
    - a. Names of parent(s)
    - b. Addresses of parent(s)
    - c. Telephone numbers and email addresses of parent(s) and numbers of individuals who are designated as emergency contacts
  3. Observations, reports and summaries completed by professionals
  4. Record of academic work/transcript
  5. Attendance information
  6. Test data
  7. Health and medical information (excludes information listed in Section Two: VI. B.)
  8. Discipline records

9. Information received from former or present education agencies
  10. Information received from any source with consent from the parent or eligible student
- B. The term does not include:
1. Professional working files that are used only as a “personal memory aid,” and are not accessible or revealed to any other person except a supervisor or substitute.
  2. Records on a student that are:
    - a. Made or maintained by a physician, psychiatrist, other recognized mental health professional paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity
    - b. Made, maintained, or used only in connection with treatment of the student, and,
    - c. Disclosed only to individuals providing the treatment. For the purposes of this definition, “treatment” does not include educational activities that are part of the student’s program of instruction within the HSD.
- VII. “Eligible Student” means a student who has reached 18 years of age and is competent to comprehend the procedures requiring this consent or, is attending an institution of postsecondary education.
- VIII. “Parent” means a parent of a student and includes a natural parent, a guardian, a surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The HSD will presume that either parent may exercise rights inherent in this plan unless the student’s file contains legally binding documentation to the contrary. A stepparent has rights under FERPA where the stepparent is present on a day to day basis with the natural parent and child and the other parent is absent from that home. In such cases, stepparents have the same rights under FERPA as do natural parents. Conversely, a stepparent who is not present on a day to day basis in the home does not have rights under FERPA with respect to a child’s education records. Rights will be extended to each parent individually and the HSD program will communicate with each parent individually if written notification of individual residences is provided to the HSD building principal. If such written notification is received by either parent, this notification will be placed in all files regarding the student including the student’s permanent record file.
- IX. “Personally identifiable information” includes the following:
- A. The student’s name
  - B. The name of the student’s parent or other family member
  - C. The address of the student or student’s family
  - D. A personal identifier, such as the student’s social security number or student number
  - E. A list of personal characteristics that would make the student’s identity easily traceable;  
or
  - F. Other information that would make the student’s identify easily traceable.
- X. “Individual consent” means consent given by the parents of a student who is under the age of 18, or by an eligible student. Individual consent is required whenever the proposed action related to the rights and protections of an individual student. Individual consent shall be given in writing.

- XI. “Informed Consent” requires that the individual fully understands what they are giving approval for. The individual must understand the methods by which the information will be collected, the uses to which it will be put, the methods by which it will be recorded and maintained, the time period for which it will be retained, and the persons to whom it will be available and under what conditions. To meet this standard, the program’s administration will make all reasonable attempts to fully inform individuals, including the use of written notice, telephone calls, individual conferences, and home visits. The program’s administration will make all reasonable attempts to fully inform individuals, including the use of written notice, telephone calls, individual conferences, and home visits. The program’s administration will ensure that information necessary for informed consent is presented in the individual’s native language, if necessary.
- XII. “Official parent notification” is accomplished by sending information to the last known address.
- XIII. “Representational Consent” means consent given on behalf of the students by the student or student’s parents’ elected representatives, the HSD Board of Directors.
- XIV. “Transcript” means the information released to colleges or other post-graduate institutions for the purpose of admission decision-making, to the military, to potential employers or to other agencies as specified by the student or parent. Transcripts are released only with written consent from the student or parent. They include the following information:
- A. Date transcript is issued
  - B. Student identification information: student name, address, date of birth, telephone number, and parent(s) name(s).
  - C. School identification information: Name of school, school address and telephone number, and College Entrance Examination Board (CEEB) School Code.
  - D. Anticipated date of graduation and indication if the student has graduated
  - E. Academic History: Courses with grades and credits earned by year, total credits earned each year, cumulative grade point average, class rank, and attendance record
  - F. Academic Summary: Credits earned by subject and total credits earned.
  - G. Student activities, honors, and awards by year (as per student self-report)
  - H. National test scores
  - I. Signatures of School Officials

### **SECTION THREE: COLLECTION OF RECORDS**

- I. Consent for Collection
- A. Only educationally relevant, verifiable information shall be collected. No information shall be collected from students or parents without either prior informed individual consent from the student and/or parents or representational consent from the HSD Board of Directors.
  - B. No information relating to the following categories will be collected:
    - 1. Political affiliations
    - 2. Mental health or psychological problems embarrassing to the student and his/her family
    - 3. Sex behavior and attitudes

4. Illegal, antisocial, self-incriminating and demeaning behavior
  5. Critical appraisal of other family members
  6. Legally recognized privileged and analogous relationships such as lawyers, physicians and ministers
  7. Income, other than required to determine eligibility for a program
- C. Individual informed consent from the parents or eligible student shall be required for the following purposes:
1. Individualized evaluations
  2. Re-evaluations, if it involves more than a review of existing student data
  3. Initial placement in an individualized program
  4. Significant changes in placement or program
- D. Individual consent will be sought from the parent with legal custody of the child.
- E. The HSD Board of Directors gives representational consent for the collection of the student's education record.
- F. Individual informed consent and representational consent shall be required for the collection of information for non-school purposes, including:
1. Educational research performed by school personnel or non-school personnel
  2. Publicity purposes, such as photograph and videotaping
  3. Participation in educational activities outside of school property
- G. Information given in confidence to school nurses, guidance counselors, social workers and psychologists by a student is privileged information, protected by the Pennsylvania School Code and shall not be placed in the student's educational record.
- H. Information placed in a student's educational record will be signed and dated by the respective authorized agent. If files are received with missing or incomplete information, the individual receiving the file will obtain or generate the required information, as needed.

#### **SECTION FOUR : MAINTENANCE OF RECORDS**

##### **I. Responsibility**

- A. Special education records: the Special Education Roster teacher is responsible for maintaining the building special education file and for sending the following documents for the Administrative Office Special Education File:
1. Parent Request for Evaluation and/or Parent Request for Re-evaluation
  2. Consent to Evaluate or Consent to Re-evaluate
  3. Evaluation Report, Re-evaluation Report , or Gifted Written Report.
  4. Invitation to IEP/GIEP Meeting
  5. IEP/GIEP
  6. NOREP/NORA
- B. Cumulative Education Records: The student's guidance counselor is responsible for the cumulative education records.
- C. Files for students receive services in out-of-district placements, resides with the HSD Director of Special Education

II. Location of Records: The student's cumulative education record will be maintained in a secure, locked file within the building the student attends. Copies of information maintained in the student's cumulative education record may also be maintained at Administrative Office.

### III. Inspection and Review of Records

#### A. Inspection and review by authorized agents

1. The student's education record will be available to authorized agents for inspection during school hours, and to other professional personnel who have a legitimate educational need to see the information contained in the file.
2. Authorized agents will include:
  - a. The Superintendent of Schools, the Assistant Superintendent of Schools, Director of Pupil Services, Director of Special Education, and Principals.
  - b. All personnel currently providing direct instruction or support services (including psychologists, guidance counselors, social workers, nurses and other related service providers) to the student.
  - c. Clerical and data collection staff who must access these records in order to perform their assigned duties.
3. A listing of authorized agents, by name and position, will be maintained within the location where the students educational records are housed.
4. A Record of Inspection Form will be contained within each student's educational record, indicating all persons other than authorized agents who access the student's record.
  - a. This Record of Inspection Form will also include the date of each access, the legitimate interest (reason) for the access and whether each non-authorized access included reading or copying of the record.
5. Review of the student's educational record will occur by the building guidance counselor or appropriate paraprofessionals assisting the guidance counselor, and/or special education teacher. The persons completing this review shall sign and date the student's Record of Inspection form, verifying that a review has occurred.
  - a. Special education teachers will review each special education record before the student is assigned to a new special education teacher.
  - b. Cumulative records will be reviewed in the spring before the student transitions to another building (5<sup>th</sup> grade and 8<sup>th</sup> grade) and when a student transferred to another school or district.
6. This review will ensure:
  - a. The presence of directory and educationally relevant information within the student's record(s)
  - b. The destruction of documents that are no longer educationally relevant for that student.

#### B. Inspection and Review by Parents and Eligible Students

1. HSD programs will comply with a parent's or eligible student's request for access to records within a reasonable period of time, but not more than 30 days after the program's receipt of the written request.
2. Upon receipt of the parent's request, HSD programs will immediately provide the parent or eligible student with the following information:
  - a. A list of authorized agents who may access the record
  - b. A copy of the Record of Inspection Form
  - c. A list of all locations where the student's records are housed.
3. HSD programs will respond to reasonable requests for explanations and interpretations of the records.

4. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the HSD program will:
  - a. Provide the parent or eligible student with a copy of the records requested; or
  - b. Make other arrangements for the parent or eligible student to inspect and review the requested records.
- C. Inspection and Review by Non-School Personnel
  1. HSD programs will comply with requests from persons other than eligible student or parents of the eligible student to access the students records after:
    - a. The receipt of written permission to access this record, signed by the eligible student or parents of the eligible student , and,
    - b. The requesting individual's signing of the Record of Inspection Form
- D. Limitations on the right to inspect and review records.
  1. If the education records of a student contain information on more than one student, the eligible student or the non-school personnel with parental consent, may inspect and review, or be informed of, only the specific information about that student.
  2. While HSD is not required to give an eligible student access to treatment records under Section Two, VI definition of "Education Records", the student may have those records reviewed by a physician or other appropriate professional of the student's choice.
- E. HSD may charge a fee to a parent or eligible student for a copies of an educational record which is made for the parent or eligible student if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. HSD may not charge a fee to search for or to retrieve information.

#### IV. Annual Notice

- A. HSD will provide parents and eligible students with annual written notice of their rights under this policy. This notice will be available in the native languages of the various population groups within the District.
  1. A copy of this policy may be obtained in any HSD school building.
  2. This annual notice will be posted on the district's website,
  3. This annual notice will be posted in each school building,
  4. This notice will be published annually in a regional publication(s), and,
  5. This notice will be listed annually in the school calendar which is sent out the beginning of each school year. This notice will inform parents and eligible students that they have the right to:
    - a. Consent or not consent to the disclosure of "directory information" contained in the student's education records. Parents and eligible students may prevent the disclosure of specific categories of information designated as directory information providing they (the parent or eligible student) notify the HSD program administrator within 45 days of receipt of the Annual Notice. Informing the HSD program administrator will prevent the release of those categories of information for that student. Information which parents state shall not be released is to be "red-lined"
    - b. Access, inspect and review the student's educational record.
    - c. Seek amendment of the record if the parent or eligible student believes the record to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

- d. File with the Pennsylvania Department of Education a complaint concerning alleged failures by the HSD program to comply with the requirements.
- B. Schedule for Annual Notice: The annual notice will be provided prior to January of each school year.
- C. Procedures for Amending Educational Records
  1. If a parent or eligible student believes the student's education record contains information that is inaccurate, misleading, or in violation of the student's rights or privacy, that parent or eligible student may make a written statement to that effect
  2. HSD shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
  3. If HSD refuses to amend the record in accordance with the request, it shall inform the parent and advise the parent of the right to a hearing.
- D. Opportunity for a hearing: HSD will, on request, provide an opportunity for a hearing to challenge information to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing will be conducted according to the procedures under 34 CFR 99.22
- E. Results of hearing:
  1. If, as a result of the hearing, HSD decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.
  2. If, as a result of the hearing, HSD decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records in maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of HSD.
    - a. Any explanation placed in the records under this section will:
      - 1.) Be maintained by HSD as part of the record of the child as long as the record or contested portion is maintained.
      - 2.) If the records of the child or the contested portion of the record is disclosed by HSD, the explanation must also be disclosed.

## V. Length of Maintenance of Student Records

- A. Each student's educational records will be maintained intact, in their existing school building for 2 years following the student's exit from HSD program at which time the records will be stored on CD-Rom or otherwise appropriately stored for 99 years.
- B. Should there be an outstanding request to inspect and review the educational record prior to completion of the 2 years following the student's exit from the HSD program, the HSD program will not destroy any of the educational record.

## SECTION FIVE: DISCLOSURE OF RECORDS

- I. The HSD program may disclose records, without consent, to individuals who have an educational need to know, under the following conditions:
  - A. School officials, including teachers within the HSD, who have a legitimate educational interest and are either authorized agents or who sign the record of inspection form.
  - B. Other schools to which a student is transferring. This includes early intervention programs, elementary and secondary schools, and post secondary schools where the



- student intends to enroll. These records will be released within 7 school days of receipt of such a written request.
- C. Specified officials including representatives of:
    - 1. The Comptroller General of the United States
    - 2. The Attorney General of the United States
    - 3. The Secretary of Education; and
    - 4. State and local educational authorities
  - D. Appropriate parties in connection with financial aid to a student. This includes information that is necessary for:
    - 1. Determination of eligibility for the aid
    - 2. Determination of the amount of the aid
    - 3. Determination of conditions for the aid
    - 4. Enforcement of terms and conditions of the aid
  - E. Organizations conducting certain studies, under the condition of anonymity, for, or on behalf of the HSD to:
    - 1. Develop, validate, or administer predictive tests
    - 2. Administer student aid programs, or
    - 3. Improve instruction
  - E. Accrediting organizations in order to carry out their accrediting functions
  - F. Appropriate officials in cases of health and safety emergencies
  - G. The disclosure is information that the HSD has designated as “directory information” as described in Section Two, D.
  - H. The disclosure is to the parent of a student who is not an eligible student, or to the eligible student himself/herself.
  - I. When an HSD program received information on a student from any source, it becomes part of that student’s record. All such information is subject to disclosure to parents upon request, without regard to clearance from the originating source.
  - J. Information received from another source with parent consent will not be further released by the HSD program without the individual informed consent of the parent of eligible student.
  - K. State and local authorities within a juvenile justice system, pursuant to specific state law.
    - 1. If the allowed reporting or disclosure concerns a student in the juvenile justice system. HSD will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of litigation, so that the parent or eligible student may seek protective action.
    - 2. Should information be disclosed to state and local authorities, the HSD program will make a reasonable attempt to notify parents of the eligible student, at their last known address, that records have been sent to the requesting party.
- II . Conditions requiring the HSD program to obtain individual informed consent of the parent or eligible student.
- A. The parent or eligible student will provide signed and dated written consent before the HSD will disclose personally identifiable information from the student’s educational record in all situations except for the conditions and/or parties designated under Section Five D. This written consent must:
    - 1. Specify the records that may be disclosed
    - 2. State the purpose of the disclosure

3. Identify the parties to whom the disclosure may be made
- B. When a disclosure is made following individual informed consent of the parent or eligible student, HSD will provide the parent or eligible student with a copy of the records disclosed, if a parent or eligible student so requests.
- C. Information obtained from another source by HSD without parent consent may be further released by the HSD program without the individual informed consent of the parent or eligible student.

### III. Recording Keeping Requirements for Disclosure of Information

- A. The HSD program will maintain a record of each disclosure of personally identifiable information from the education record.
- B. The HSD program will maintain this record for as long as the student's records are maintained.
- C. For each request, the record of access must include:
  1. The party requesting and receiving personally identifiable information
  2. The legitimate interest of the party in requesting and obtaining of this information

IV. Limitations on disclosure of records: The HSD program shall stipulate that the party to whom the information is disclosed by HSD will not disclose the information to any other party without the prior consent of the parent or eligible student.

## **SECTION SIX: DESTRUCTION OF RECORDS**

- I. Information from a student's educational records will be destroyed only following the periodic reviews or at parent request.
  - A. Prior to destruction of information from the student's educational record, parents and eligible students will be notified in writing and such notice will notify them of their right to receive a copy of the listed records prior to destruction.
  - B. The information may be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

## **SECTION SEVEN: HSD EDUCATION RECORDS PROCEDURES:**

- I. HSD staff will be in-serviced on education records plan and procedures at least annually. Documentation of in-services will be maintained by the Director of Pupil Personnel Services or their designee.