

TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT RECORDS PLAN FOR
SPECIAL EDUCATION
STUDENTS

ADOPTED: APRIL 20, 2015

REVISED:

<p>1. Purpose</p> <p>2. Authority Title 22 Sec. 4.52, 12.31, 12.32, 15.9 20 U.S.C. Sec. 1232g, 1400 et seq 34 CFR Part 99, Part 300 Pol. 216</p>	<p style="text-align: center;">216.2. STUDENT RECORDS PLAN FOR SPECIAL EDUCATION STUDENTS</p> <p>The educational interests of the pupil and of society require the collection, retention, and use of information about individual pupils and groups of pupils. The Board also is concerned with protecting the right of each student against an unwarranted invasion of privacy. The primary purpose of pupil recordkeeping shall be the educational welfare and advancement of the pupil.</p> <p>The Board has adopted this policy to ensure the privacy rights of both the parents/guardians 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 Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act of 1974 (FERPA).</p> <p>The Turkeyfoot Valley Area School District, Department for Educational Programs and Services, either collects, generates, and/or maintains information that is part of a student's educational record. This information is gathered either by local school districts through group assessments or screening procedures covered by school district policy, by intermediate unit or school district personnel with specific parental consent, by transfer from another educational agency, or from third party sources with parental consent.</p> <p>The Turkeyfoot Valley Area School District shall:</p> <ol style="list-style-type: none"> 1. Protect the confidentiality of personally identifiable information regarding an exceptional student or a student thought to be exceptional, or an eligible young child or young child thought to be eligible. 2. Provide access to educational records to the parents/guardians of a student or young child or a representative of the parents/guardians.
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<p>3. Definitions</p>	<p>3. Establish procedures to permit parents/guardians to request the destruction of educational records.</p> <p>4. Comply with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), 34 CFR Part 99 (relating to family rights and privacy), 34 CFR 99 (relating to confidentiality of information), Chapter 12 (relating to students) and other applicable law.</p> <p>Directory Information - The following categories have been designated as directory information by Turkeyfoot Valley Area School District:</p> <ol style="list-style-type: none">1. Student's name.2. Parent/Guardian name.3. Student birth date and place of birth.4. Student home address.5. Student home telephone number (unless indicated as unlisted).6. Parent/Guardian home address (if different than student).7. Parent/Guardian telephone number (if different than student).8. Electronic mail address (if applicable).9. Dates of student attendance.10. Student/Parent/Guardian school district residence.11. Activities and sports.12. Diploma or certificate award.13. Special awards or recognition.14. The most recent previous educational institution or agency attended by the student.
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Personally Identifiable - Those data which include:

1. The name of the student, the student's parents/guardians or other family members.
2. The address of the student.
3. A personal identifier, such as the student's social security number.
4. A list of personal characteristics which would make the student's identity easily traceable.
5. Other information which would make the student's identity easily traceable.

Record - Any information or data recorded in any medium including but not limited to handwriting, print, tapes, film, microfilm/microfiche, and computer files.

Education Records Or Records - Those records directly related to the student and maintained by a school or by a party acting for the school. It does not include records of instructional, supervisory, administrative or support personnel of the school which are in the sole possession of the maker and not accessible or revealed to anyone else.

Release - Permitting access, release, transfer or other communication of educational records of the student or the personally identifiable information contained therein, orally or in writing, by electronic means, or by any other means to any party.

Exceptional Student - An individual of school age who meets one (1) of the following criteria:

1. Has one (1) or more physical or mental disabilities, as set forth in Chapter 14 of the Pennsylvania Regulations, and is in need of specially designed instruction.
2. Is gifted, as set forth in Chapter 16 of the Pennsylvania Regulations.
3. Is a school aged child in a detention home.

Eligible Young Child - A child who is less than the age of beginners and at least three (3) years of age who meets the following criteria:

1. Has one (1) or more physical or mental disabilities, as set forth in Chapter 14 of the Pennsylvania Regulations.

<p>4. Guidelines</p> <p>Title 22 Chapter 14, Chapter 16</p>	<p>2. Has a developmental delay, as set forth in Chapter 14 of the Pennsylvania Regulations.</p> <p>Student - An exceptional or thought to be exceptional school age person, or eligible or thought to be eligible young child with respect to whom the educational agency maintains educational records.</p> <p>Eligible Student (FERPA) - A student who has attained eighteen (18) years of age or is attending an institution of postsecondary education.</p> <p>Parent - Includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or a guardian. Either parent has the authority to exercise the rights inherent in this policy unless the school has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which proves to the contrary.</p> <p>Destruction - The physical destruction or permanent removal of personally identifiable data from the educational records of a student so that the information in those records is no longer personally identifiable.</p> <p>Educational Agency - Any intermediate unit, public school district or private school operating approved programs and services for the education of exceptional persons.</p> <p>IEP - Individualized Education Program.</p> <p>ER - Evaluation Report.</p> <p style="text-align: center;">COLLECTION OF STUDENT INFORMATION</p> <p><u>Data Collection</u></p> <p>The various programs of the school district that are involved in the identification, evaluation, re-evaluation, and placement of exceptional youngsters gather data following procedures as outlined in the Pennsylvania Department of Education's Chapter 14 and Chapter 16 Regulations.</p> <p>Parental consent for an initial multidisciplinary evaluation is the responsibility of the school district of residence. Parental notice of intent to re-evaluate/waive and/or consent to use different types or categories of evaluation in the re-evaluation process for students will be coordinated by the school district. Copies of signed parental consent forms are maintained in the student's official file in the school district.</p>
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When the school district is made aware of third party information (i.e., physician, clinic, private practitioner), specific parental consent to access the information is obtained.

Consent For Collection

No information shall be collected from students without prior informed consent of the child and his/her parents/guardians.

Such consent may be given either individually or through their legally elected or appointed representatives, namely the Turkeyfoot Valley Area School Board, depending on the nature of the information to be collected.

The parents/guardians shall be afforded reasonable opportunity to contest the necessity or desirability of particular data collection processes or the proposed use of such data.

Parents/Guardians will also have the right to challenge the designation and release of directory information.

Individual Consent

In all situations where individual consent of the parent/guardian or student is to be obtained, notice shall be sent out to the parent/guardian 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/her parents/guardians will be required before any information not directly relevant for educational purposes is solicited from students or their parents/guardians.

Where interviews or diagnostic tests by the school counselor, social worker, nurse, psychologist, or school principal is 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 student's 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.

Representational Consent

In situations where representational (e.g., Board) consent is sufficient, students and their parents/guardians shall be informed in advance of the character and purpose of the data collection.

Representational (e.g., 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.

Intervention Without Parent/Guardian/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/guardians have been fully informed, and the appropriate school authorities have consented.

CLASSIFICATION

Types Of Data

Student education records of special education students may consist of the following kinds of data: vocational interest inventories; school health records; audiometric tests data; psychological reports; individual education plan; observation reports by teachers, psychologists, supervisors and social workers; verified reports of services or recurrent behavior patterns; family background and developmental history; and legal, medical, psychological and social service reports from other agencies.

MAINTENANCE AND SECURITY OF STUDENT INFORMATION

Location Of Information

Records for students enrolled in Turkeyfoot Valley Area School District programs are maintained at the school district Special Education Office. These cumulative student files are considered the official student records. The Director of Special Education shall be designated as the responsible person for record maintenance and access policies. The Director of Special Education or his/her designee will act as the individual responsible for coordinating policies and procedures to assure the confidentiality of any personally identifiable data.

	<p><u>Contents</u></p> <p>Each official student file shall contain materials related specifically to entrance into special education and educational programming for the student. Copies of reports generated by other professionals which contain information relevant to the student's educational program are also in the official folder. These student records shall be cumulative in nature and contain at least the following documents:</p> <ol style="list-style-type: none"> 1. File Access Sheet. * 2. Referral for Multidisciplinary Evaluation. *** 3. Permission to Conduct a Multidisciplinary Evaluation. * 4. Evaluation Report (ER) (initial) including signature page. * 5. Invitation for Parent Participation in an IEP Meeting (initial). * 6. NOREP with Option Sheet. ** 7. Re-evaluations. ** 8. IEP(s) with Invitation for Parent Participation in an IEP Meeting (at least one (1) for each year for school aged; at least one (1) each year for preschool). ** 9. Record of class assignments and grades. *** 10. Summary of Performance. ** 11. Reports of other professionals. *** 12. Release of information forms. *** <p>* Required for all students.</p> <p>** Required for exceptional students where the IU is the major service provider; otherwise, if available.</p> <p>*** If applicable.</p> <p>In addition, a student file folder may be maintained by each special education teacher for students being supported. These student folders are kept by the teacher in his/her classroom or office and are for the teacher's use in the day-to-day provision</p>
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of support. If student folders are not maintained in the classroom, the teacher shall maintain at least the IEP for each of the students on their roster. These student folders and IEPs shall be maintained under the provisions of this policy and shall contain documents relevant to the students' current educational programs. The teacher folders may contain at least the following documents:

1. File Access Sheet.
2. Current ER.
3. Current NOREP with Option Sheet.
4. Invitation for Parent Participation in an IEP Meeting.
5. Parent Permission to Photograph or Videotape (current school year and previous school year).
6. Evaluations of student achievement and classroom performance.

All staff members will be inserviced by the Director of Special Education or his/her designee with regard to the contents of this policy, and s/he is responsible for notifying parents/guardians of their right to inspect the records.

Destruction

Parents/Guardians of students will be notified in the Annual Public Notice 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.

Parents/Guardians may request that information no longer relevant to and necessary for the provision of educational services to the student be destroyed. However, a permanent record of a student's name, address, phone number, grades, attendance records, classes attended, grade level, and year completed will be maintained without time limitation.

Educational records with information necessary for the education of a student enrolled or previously enrolled will not be destroyed.

<p>20 U.S.C. Sec. 1232g</p>	<p><u>Record Filing At Termination</u></p> <p>When a student leaves special education, his/her classroom records will be returned to the special education office where the student's cumulative record is located. It will be placed with the student's official cumulative record and both kept in the inactive files until the record is requested by another district or until the record is placed into permanent storage.</p> <p>Student records will be placed into permanent storage after the student turns twenty-one (21) years of age or is deceased. Unnecessary, redundant, and irrelevant data will have been or will be destroyed. The purged records shall contain the following:</p> <ol style="list-style-type: none">1. Record card.2. Parent Permission to Evaluate.3. All psychological reports, MDTs, and ERs.4. All NOREPs.5. All IEPs. <p>Student records for all exceptional resident students will be kept in permanent storage within the school district. Student records for students who received Intermediate Unit 8 special education services will also be kept in permanent storage in an IU 8 office.</p> <p style="text-align: center;">ACCESS TO AND DISSEMINATION</p> <p><u>General Safeguards</u></p> <p>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.</p> <p>The school district policy for release of information conforms with the Family Educational Rights and Privacy Act of 1974 (FERPA).</p> <p><u>Release Of Information</u></p> <p>Written consent of parents/guardians or eligible student (FERPA) 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.</p>
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	<p>A Consent to Release form will be sent to the parent/guardian or eligible student (FERPA) to be completed before appropriate records are released. Records will be released within seven (7) days after receipt of the Consent to Release form.</p> <p>Consent of parents/guardians or eligible student (FERPA) is not necessary when records are to be released or inspected by:</p> <ol style="list-style-type: none">1. Other school officials within the Turkeyfoot Valley Area 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, school nurse, psychologist, social worker, and also persons charged with direct responsibility for the health and safety of children while in attendance at school (e.g., bus driver, teacher aide, etc.).2. Authorized representatives of the Comptroller General of the United States, Secretary of the U.S. Department of Education, or state and local educational authorities. <p>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.</p> <p>Appropriate authorities in a health or safety emergency after consideration of the seriousness of the threat, the need for the information to meet the emergency, the position of the requesting party to deal with the emergency, and the extent to which time is of the essence in meeting the emergency.</p> <ol style="list-style-type: none">3. Officials of other primary and secondary schools including approved private schools to which the student intends to transfer. Records will be transferred within seven (7) days of the request to the Director of Educational Programs and Services of the intermediate unit. Parents/Guardians may have a copy of transferred records upon written request. The school district will maintain copies of those documents required to be kept by federal and state laws.4. Court officials in compliance with a judicial order; parents/guardians shall be notified of the order and the school's compliance. <p>Release of directory information does not require the consent of parents/guardians or eligible student (FERPA).</p>
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<p>42 Pa. C.S.A. Sec. 6341 Pol. 216.1</p>	<p>Directory information may be released without parental consent, provided that prior public notice is given to the parent/guardian of what is designated directory information and the parents/guardians do not object in writing within thirty (30) days of the notice to what is included in directory information with respect to that student.</p> <p>Directory information may be returned from an approved student's school district of residence or a student's intermediate unit.</p> <p><u>Confidential Personal Files Of Professionals In School</u></p> <p>The professionals who are directly involved with the student's health and education may maintain personal and confidential files containing notes, transcripts of interviews, clinical diagnoses, and other memory aids for their own use. Such data are to be considered the personal property of the professional and shall be maintained according to the rules given above. All such data must be destroyed when their usefulness is no longer apparent or when the student leaves the school system.</p> <p><u>Act 30 Records</u></p> <p>Information obtained from the judicial system in compliance with Act 30 of 1995 shall be maintained in a separate file in the Educational Programs and Services Office and shared with staff working directly with the student. The information will be removed from the file and destroyed within thirty (30) days after the Superintendent's Office receives formal notification from the judicial system to do so. A certified statement will then be sent to the judicial system within forty-five (45) days from the receipt of the original notice to destroy the records, verifying that the records have been destroyed.</p> <p><u>Parental Access Rights</u></p> <p>Parents/Guardians 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 honored within forty-five (45) days; prior to a conference regarding an IEP; and prior to a hearing relating to the identification, evaluation or placement of the child. The parents/guardians have a right to a verbal explanation of their child's record by a qualified professional.</p> <p>In order for the parent/guardian and/or student or a representative designated by the parent/guardian 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/her designated representatives will</p>
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arrange for a conference with the parents/guardians and/or student or a designated representative of the parent/guardian. Parents/Guardians 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 (1) child, the parents/guardians 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/guardian 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/guardians, provided that the fee does not effectively prevent the parents/guardians from exercising their right to inspect and review those records.

Student Access Rights

Whenever a student has attained eighteen (18) years of age or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the student unless the student is claimed as a dependent on the parents'/guardians' federal income tax return.

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/guardian shall have the right to inspect the access record kept for the educational records of his/her child.

No record is required of authorized employees of the school, the student's parents/guardians or eligible student (FERPA) who have had access to the educational records of the student.

The current list of the names and positions of those employees of the educational system who are authorized to have access to personally identifiable information shall be maintained by the Director of Educational Programs and Services for public

inspection. In addition, each school district Special Education Office and each local intermediate unit office shall maintain and display a list of those persons authorized to have access to personally identifiable student information kept at that site.

Annual Notification Of Rights

Parents/Guardians of students in attendance will be notified annually of their right to inspect the records, procedures to follow, location of records policy, record of disclosures of information, and opportunity to amend the records and to request a hearing. Complaints concerning alleged failures by the agency/institution to comply with the requirements of the Act can be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

Request To Amend Educational Records

The parent/guardian of a student or an eligible student (FERPA) who believes that information contained in the educational records of the student is inaccurate or misleading, or violates the privacy or other rights of the child, may request the school district to amend them by submitting a written notice to the Superintendent or designee indicating which records are to be amended and the reason the amendment is requested.

Upon receipt of written notification, the Superintendent or designee will arrange for a conference between the appropriate school administrator/supervisor and the parents/guardians and/or eligible student (FERPA) to resolve the conflict. The conference is to be scheduled within ten (10) school days of the parents'/guardians' and/or eligible student's written notification.

If the conflict has not been resolved as a result of the initial conference, the Superintendent or designee shall inform the parent/guardian in writing within thirty (30) school days of the refusal and the specific reasons for the refusal, and shall also inform the parent/guardian of the right to request and receive a hearing.

Records Hearing

A hearing shall be held at a mutually agreed upon time and place within thirty (30) days after the school district receives the request for a hearing from the parent/guardian.

The parent/guardian shall be notified in writing of the date, place and time of the hearing no later than five (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/guardian shall be afforded a full opportunity to present relevant evidence and may be assisted or represented by persons of his/her choice at the hearing; such persons may include legal counsel.

The school district shall render a written decision on the issues presented at the hearing within thirty (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 accordingly, and so inform the parents/guardians of the student or the eligible student (FERPA) 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 parent/guardian or eligible student (FERPA) of the right to place in the educational records of the student a statement commenting upon the information in the educational records and/or setting forth any reason for disagreeing with the decision of the school district.

This explanation shall be maintained by the school district as part of the educational record of the student as long as the record or contended portion thereof is maintained by the school district.

If the educational record of the student or the contested portion thereof is disclosed to any party, the explanation shall also be disclosed to that party.

References:

State Board of Education Regulations – 22 PA Code Sec. 4.52, 12.31, 12.32, Chapter 14, 15.9, Chapter 16

Judiciary and Judicial Procedure, Juvenile Matters – 42 Pa. C.S.A. Sec. 6341

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99

Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 216, 216.1