

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS  
 TITLE: STUDENT RECORDS  
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## 216. STUDENT RECORDS

### **Purpose**

The educational interests of pupils and of society require the collection, retention, and use of information about individual pupils and groups of pupils. The welfare and progress of pupils is inextricably related to the maintenance of a thorough and efficient system of public schools; the latter cannot be achieved nor assessed in the absence of appropriate information about the former.

### **Authority**

It is no less the interest of society to protect the right of each of its members against an unwarranted invasion of privacy. The primary purpose of pupil record keeping shall be the educational welfare and advancement of the pupils.

The Board of Education (School Board) of the East Stroudsburg Area School District (school district) has primary responsibility for the compilation, maintenance, access to, and security and confidentiality of pupil records. The staff may compile records mandated by the Commonwealth, the federal government, or specifically permitted by this policy.

[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

The Board shall adopt a comprehensive plan for the collection, maintenance and dissemination of student records that complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the school district and revised as required by changes in federal or state law.

### **Delegation of Responsibility**

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

The designated administrator shall establish safeguards to protect the student and family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

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

In accordance with law, each school district teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.[17]

### **Definitions**

The following definitions are provided for the purpose of interpretation and implementation of this policy:

1. **Dates of Attendance** - Means the period of time during which a student attends or attended the school district. Examples of dates of attendance would include an academic year, semester, quarter or grading period, but would not include specific daily records of a student's attendance.[14]
2. **Destruction** - Means 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. (Also known as “purging”).
3. **Directory Information** - Means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed, and includes, but is not limited to, the following information relating to a student: the student's name, address, listed telephone number, 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, grade level, honor rolls, degrees and awards received, and the most recent previous educational agency or institution attended by that student. [11][14]
4. **Dissemination or Disclosure** - Means permitting access to or the release, transfer or other communication of the education records of a student, or the personally identifiable information contained therein, orally or in writing, or by electronic or any other means, to any party. [14]
5. **“Educational Institution” or “Educational Agency”** means any public or private agency or institution that is the recipient of funds under any Federal program.
6. **Education Records** - Those records that contain personally identifiable information directly related to a student and are maintained by the school district or by a party acting for the school district. It can be recorded in any form, including but not limited to, handwriting, print computer media, video or audio tape, film, microfilm and microfiche. [11][14]

The term does not include:

- a. Records of instructional, supervisory and administrative personnel and ancillary personnel, which are in the sole possession of the maker and are not accessible or revealed to another individual, except a substitute. A "substitute" is an individual who performs, on a temporary basis, the duties of the individual who made the record, and does not refer to an individual who currently succeeds the maker of the record in their position.
- b. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 C.F.R. §99.8.

c. Records relating to an individual who is employed by the educational agency or institution, that:

1. Are made and maintained in the normal course of business.
2. Relate exclusively to the individual in that individual's capacity as an employee.
3. Are not available for use for any other purpose.

Note: Records relating to an individual in attendance at the agency or institution who is employed as a result of their status as a student are education records.

7. **Eligible Student** - Means a student who has attained eighteen (18) years of age, is attending an institution of post-secondary education, or is a legally emancipated minor. For the purposes of this section, whenever a student has attained eighteen (18) years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall thereafter only be required of and accorded to the student. In cases where an eligible student is dependent upon the parent as defined in Section 152 of the Internal Revenue Code, the school will make the education records accessible to the parent of said student. [\[14\]\[15\]](#)
8. **Exceptional Student** - As defined in this policy, an exceptional student means any student eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA), 20 U.S. C. § 1400. 1, et. seq., and its implementing regulation, 34 C.F.R. Part 300; and Chapters 14 and 16 of the regulations of the State Board of Education, 22 Pa. Code §§ 14.1 and 16.1, et. seq.
9. **Informed Consent** – the approval by signature of an individual (parent, guardian, student) who has been apprised of the nature, content, and procedure of a records collection, maintenance, or release activity of an agency.
10. **LEA** – Local Education Agency.
11. **Legally Emancipated Minor** - A person below the age of twenty-one (21) who has chosen to establish a domicile apart from the continued control and support of the parent(s)/guardian(s). A minor living with a spouse is deemed emancipated.
12. **Maintain or Maintained** – In the case of personally-identifiable information on paper or stored on magnetic or video tape, the term shall mean kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally-identifiable digital information that is electronically-stored, including electronic mail, the term shall mean kept in a secure database located on a server or servers, disk partition, or other electronic storage system specifically designated by the Superintendent or his or her designee as a “student records maintenance site.” The District electronic mail server or servers, or directory or directories, and the files on local disk drives dedicated to the storage of sent or received electronic mail, shall not for any purpose constitute a “student records maintenance site” and any mail stored thereon shall either be deleted or moved to a “student records maintenance site” at least once annually.
13. **Panel** – the body, that will adjudicate cases under procedures set forth on pages six (6) and seven (7) of this policy.
14. **Parent** - Includes natural parent(s), legal guardian(s) or an individual acting as a parent of a student in the absence of a parent(s) or guardian(s). The school district will presume that a parent has the authority to exercise the rights inherent in this policy unless the school district

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 provides to the contrary. [\[14\]](#)[\[16\]](#)

15. **Personally Identifiable** - Means that the data or information includes, but is not limited to: [\[14\]](#)
- a. The name of a student, the student's parent(s)/guardian(s), or other family member.
  - b. The address of the student or the student's family.
  - c. A personal identifier, such as the student's social security number, or a student number.
  - d. A list of personal characteristics which would make the student's identity easily traceable by a person not already familiar with the student's identity or other information which would make the student's identity easily traceable.
16. **Purging** – See “Destruction”.
17. **Record** -- any information maintained in any way, including, but not limited to:
- a. handwriting
  - b. print
  - c. film
  - d. computer media
  - e. video or audio tape
  - f. microfilm or microfiche
18. **Representational Consent** – as the legally elected or appointed representatives of the parent(s)/guardian(s) of a school district, the Board of School Directors may collectively, as a body, grant approval (representational consent) to such programs, processes, and procedures as are considered to be the valid, legal, and expected function of any responsible educational agency. The consent decisions of the representational agency are (subject to higher authority or judicial review) binding on all students and parent(s)/guardian(s) whether or not they might individually have consented.
19. **Secretary** – Secretary of the U.S. Department of Education.
20. **Student** - Includes any school age person, whether a regular education or exceptional student, with respect to whom the school district maintains an education record. [\[14\]](#)

## **Guidelines**

### Collection

By their approval of this policy, the School Board provides representational consent of parent(s)/guardian(s) and eligible students for the collection of basic identifying information and the administration of aptitude and achievement tests. Annually, the School Board shall approve a district wide testing program that shall be made known to parent(s)/guardian(s) and eligible students.

Parent(s)/guardian(s) and eligible students eighteen (18) years and older shall be notified annually and upon enrollment of:

1. The policies and procedures of the school district regarding student education records.

2. The data collected through representational consent.
3. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. The conditions for disclosure or dissemination of information.
5. The rights and procedures for parent(s)/guardian(s) or eligible students:
  - a. To access education records.
  - b. To seek an amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family and Educational Rights and Privacy Act and 34 C.F.R. § 99.31 authorize disclosure without consent.

6. The right to file with the Department of Education a complaint under 34 C.F.R. § 99.63-99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act and 34 C.F.R. § 99.7.

The student or the parent(s)/guardian(s) of a dependent student may request that specific data, e.g., awards, part-time employment, volunteer service in school or community, be placed on the student's file. If such information is verified and of recognized relevance, it may be added to the file. Also, the student or parent may submit a disclaimer concerning the appropriateness or validity of any material in the file. Such statement shall be dated, signed, and kept in the file as long as the material it concerns remains in the file. The appeal process outlined in this policy shall apply for this purpose.

### **Security and Privacy**

The Superintendent shall be responsible for education record maintenance and access and for the education of staff about maintenance and access policies. The school principal is responsible for implementing the policy concerning student education records in the building. All school personnel having access to education records should receive periodic training in security, with emphasis upon privacy rights of students and parent(s)/guardian(s).

Records are to be kept secure at all times under the supervision of the school principal or designated agent.

In addition to the submission of a disclaimer, a parent or eligible student has the right to challenge the validity or appropriateness of any information in the education record and request that such information be corrected or deleted.

A parent or eligible student who believes that information in education records collected, maintained or used by the school district is inaccurate or misleading or violates the privacy or other rights of the student, has the right to request that the building principal amend the information under the following procedures:

1. The parent or eligible student shall submit, in writing to the building principal, a request for

amendment, which shall include a brief statement, which specifies the record(s) to be amended and the reason that an amendment is requested.

2. The school principal shall decide whether to amend the information in accordance with the requests of the parent or eligible student within a reasonable time period after receipt by the school principal of the request to amend, but not more than thirty (30) calendar days.
3. If the school principal decides to amend the information in accordance with the request, the school principal shall notify the Superintendent. After approval by the Superintendent, the school principal shall notify the parent or eligible student, in writing, of the decision to amend the record.
4. If the school principal decides to refuse to amend the information in accordance with the request of the parent or eligible student, the school principal shall inform the parent or eligible student, in writing, of both the refusal and the specific reason(s) for the refusal, and shall notify the parent or eligible student, in writing, of their rights to request and receive a hearing.

If the parent or eligible student, upon receiving written explanation from the school principal, still feels a need to challenge information in the education record, the parent or eligible student shall, upon written request to the Superintendent, be granted a hearing in accordance with the following provisions:[\[18\]](#)[\[19\]](#)

1. The hearing shall be held at a mutually agreed upon time and place within a reasonable time of receiving the written request, but not more than thirty (30) calendar days. The parent or eligible student shall be given notice of the date, place and time within a reasonable time period in advance of the hearing but not less than ten (10) calendar days in advance of the hearing.
2. A three (3) member panel of professional school staff shall preside over the hearing. A chairperson designated by the Superintendent, who shall not have a direct interest in the outcome, shall conduct the hearing. Under no circumstances will the school principal who initially received the request for amendment of the record be involved in the hearing process other than to offer testimony.
3. The parent or eligible student may be represented by counsel at their own expense and will be afforded a full and fair opportunity to present evidence and to examine and cross-examine witnesses.
4. Within a reasonable period of time after the conclusion of the hearing, but not more than thirty (30) calendar days, the panel will make its decision(s), based solely on the evidence presented at the hearing, known to the parent(s)/guardian(s) or individual acting as a parent in the absence of the parent(s)/guardian(s), and will include a summary of the evidence and reasons for said decision(s).
5. If, as a result of the hearing, the panel decides to amend the record, it shall so notify the parent or eligible student, in writing and the item(s) in question shall be amended.
6. If, as a result of the hearing, the panel decides not to amend the information, then it shall inform the parent or eligible student, in writing, of their rights to place in the education record a statement which sets forth the written comments of the parent or eligible student upon the information in the education record, or reason(s) for disagreeing with the decision of the school district, or both written comments and reasons.

7. The statement of the parent or eligible student shall be appended, by the Superintendent or designee, to the education record so long as the record or the contested portion thereof is maintained by the school district.
8. If the education record of the student or the contested portion thereof is released to any party, the statement of the parent or eligible student shall also be released to that party.

A parent or eligible student also has the right to file complaints concerning acts of non-compliance with this policy by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, D.C. 20202-4605.

### **Dissemination or Disclosure**

The school district is often asked to transmit student information to other agencies, institutions or individuals. Since conveyance of records removes data from the control of the school, stringent precautions are required to protect the rights of the student against infringement of privacy, misinterpretation of data, and inappropriate use.

Upon receiving a request for educational records from another school district or charter school, the school district shall forward the records within ten (10) business days of receipt of the request.

Student medical records, maintained by the nurse's office, are considered educational records as per federal guidance and may be shared with staff who the school district determines has a legitimate educational interest and a need to know medical information in order to protect the safety and health of the student. Parental requests to maintain the confidentiality of any given medical information must be made in writing and should be directed to the school principal.

The confidentiality of mental health records/information shall be completely maintained. Such records are covered by the PA Mental Health Procedures Act 55 Pa. Code § 5100.33.

The school district may, without the consent of the student or parent, release personally identifiable information from an educational record of a student to/when:

1. Members of the professional staff and the clerical support staff (including but not limited to, teachers, instructional aides, guidance counselors, school psychologists, home school visitors, administrative personnel, and confidential secretaries) who have a legitimate education interest. A person having a legitimate education interest shall be defined as:
  - a. Person(s) directly responsible for providing instruction to the student.
  - b. Person(s) directly providing support services to the student.
  - c. Appropriate authorities in a health/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.
2. Authorized members of the professional staff of the vocational-technical school, and their clerical support staff, if the student is enrolled or seeks to enroll in the vocational-technical school.

3. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and state or local educational authorities subject to the requirement of 34 C.F.R. § 99.35.
4. The disclosure is 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:
  - a. Determine eligibility for the aid.
  - b. Determine the amount of the aid.
  - c. Determine the conditions for the aid.
  - d. Enforce the terms and conditions of the aid.

Financial aid is defined as a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

5. State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to:
  - a. State statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
  - b. State statute adopted after November 19, 1974, subject to the requirements of 34 C.F.R § 99.38.
6. Officials of other primary, secondary, or post-secondary schools in which the student is presented for enrollment or intends to enroll, provided the parent, guardian or eligible student, in advance of the transfer, is notified of the transfer and has an opportunity to challenge the record and to receive a copy of the record if so desired in accordance with 34 C.F.R. § 99.35. (Annual notice prior to the beginning of the school year shall be given to parent(s)/guardian(s) regarding their rights in cases of transfer of records without consent. This annual notification to parent(s)/guardian(s) shall be considered sufficient to meet the intent of record transfers to other educational agencies.)
7. Agents or agencies conducting educational research who may request group data, provided:
  - a. The project is approved according to the school district's policies and guidelines pertaining to research activities.
  - b. The study is conducted in a manner that does not permit personal identification of the parent(s)/guardian(s) and students by individuals other than representatives of the organization.
  - c. The information is destroyed when no longer needed for the purposes for which the study was conducted.
8. The disclosure is to accrediting organizations to carry out their accrediting functions.
9. The disclosure is to parent(s)/guardian(s), as defined in 34 C.F.R. § 99.3, of a dependent student, as defined in Section 152 of the Internal Revenue Code.
10. The disclosure is to the parent of a student who is not an eligible student or to the student.
11. The disclosure is information the educational agency or institution has designated as "directory information."
12. To the school district's insurance carriers and legal counsel, and/or their agents, employees and representatives in connection with existing or anticipated claims, litigation or other proceedings involving the student; provided, however, that such disclosure shall be subject to the condition that any such third parties will not disclose the information to any other



party without the prior consent of the parent(s)/guardian(s) or eligible student unless otherwise required by law.

13. For the purpose of enforcing the law, maintaining school safety and creating, maintaining and releasing records in connection with law enforcement purposes, and pursuant to the Family Educational Rights and Privacy Act, the Superintendent or proper school officials, as designated by the Superintendent, may release records and information created and maintained for law enforcement purposes, such as incident reports, files, notes and memoranda, without the consent of students or parent(s)/guardian(s).
14. To the Attorney General of the United States or to his or her designee in response to an *ex parte* order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b (g)(5)(B) and 2331 of title 18, US Code, which does not require a school official to record a disclosure of information from a student's education record when the school makes that disclosure pursuant to an *ex parte* order.
15. To military recruiters, upon request, access to and contact information on secondary students (name, address and listed telephone number). Access must be the same as would be provided to higher education institutions and prospective employers. The parent(s)/guardian(s) or student can request that the information not be released without prior written consent.

Other than as prescribed above, no information from a student education record may be divulged, except:

1. With written consent of the eligible student or former student or the parent or guardian (if the student is a dependent) specifying records to be released, to whom, for what purpose, and with a copy of the records to be released to the consenter, if desired. (For the purposes of this part, whenever a student has attained eighteen (18) years of age, or is attending an institution of post-secondary education, the rights afforded, and the consent required of the parent of the student, shall thereafter only be accorded to and required of the eligible student unless s/he is a dependent as defined in Section 152 of the Internal Revenue Code.)
2. The disclosure is to comply with a judicial order or subpoena. A reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance unless disclosure is in compliance with:
  - a. A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena not be disclosed.
  - b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
3. If an educational agency or institution and a parent or student are involved in a legal action against each other, the educational agency or institution may disclose to the court, without a court order or subpoena, the educational records that are relevant to the case.

Each matter of request for consent must be handled separately; for example, blanket permission for release of data within an extended period of time may not be solicited since it, by definition, does not provide an opportunity for informed consent.

The school district will annually designate certain personally identifiable information as "Directory Information." Directory information on former students or students currently enrolled may be disclosed for purposes beneficial to the student or the school district and only with the approval of the Superintendent. It shall not, however, be the policy of the school district to prepare annually and maintain file lists of "directory type information" for disclosure purposes.

The parent or eligible student has the right to refuse the disclosure or dissemination of any or all types of directory information by giving the school district written notice within twenty (20) calendar days of publication of the notice.

Parent(s)/guardian(s) or eligible students shall be given public notice relative to this right at the beginning of the school year. The parent(s)/guardian(s) of a dependent student may have access to all education records. The same access is extended to eligible students and former students who are legally emancipated.

Requests by a parent, guardian or eligible student to inspect and review the education record of a student or to have a designated representative inspect and review the education record of a student are to be directed to the principal of the building in which the student is enrolled or to the school district administrative offices for the access to inactive records (graduates and withdrawals). Access shall be granted within a reasonable period of time (not to exceed 45 calendar days) and shall be in the presence of the principal or a designated agent for the purposes of security and assistance in explaining or interpreting the data. Below are the locations of educational records:

1. Active student education records of regular students are available in the building in which the student is enrolled. Copies of the record will be provided to the parent or eligible student upon written request.
2. Active records of exceptional students are available at the following locations, depending on the nature of the information and its relative need in the daily educational activities of the student.
  - A. Building in Which the Student is Enrolled  
Permanent administrative records, including:
    - a. Name and birth dates.
    - b. Names and addresses of parent(s)/guardian(s).
    - c. Academic work completed.
    - d. Level of achievement, e.g., grades and standardized test scores.
    - e. Attendance data.
    - f. Health records.
  - B. Special Education Office - Evaluation, psychological, psychiatric, and neurological reports, Individualized Education Programs, and all other reports of a similar nature relative to an exceptional student's educational program and placement and necessary for providing the student with appropriate educational services.
3. Records of graduates and withdrawals are available in the school district administrative offices. Request forms for release of inactive student information from graduate or withdrawal files maintained in the school district administrative offices shall be signed by a

parent, guardian, or eligible student. A copy of this request will be maintained in the school district administrative offices.

Once student education record information has been released to an agency or person outside the school district, as prescribed above, the school district can no longer be exclusively responsible for the confidentiality of the information.

There shall be maintained, for each active student, a record of access to and release of the student's education record. This shall be available to the parent or guardian of dependent students or to eligible students and to the school district as a means of auditing the operation of the system. The record of access is not meant to include entries by the primary users and custodians of student records designated by the Superintendent or the building principal. Specifically, this includes teachers, school counselors, and authorized clerical staff.

### **Copying Records**

Copies of student transcripts, including certification thereof, shall be provided free of charge to current students and alumni of the school district.

Otherwise, the school district shall charge fees for copies of education records, even when obligated to provide copies to parent(s)/guardian(s) under C.F.R. §99.10 (d), as follows:

Fees for the actual cost of reproducing, secretarial time, and postage shall be reasonable and shall follow the same fee schedule as provided for public records. Such fees may be waived by the school district when the imposition effectively prevents a parent or eligible student from exercising the right to inspect and review the students' education records. Requests for records by third parties (including but not limited to employment verification, legal counsel) will be \$30.00.

### **Maintenance and Destruction of Information**

The school district shall maintain the educational records of all its students consistent with this policy. Parent(s)/guardian(s) and eligible students shall be informed of these records and their right of access to these data as described in the policy.

Staff members may maintain personal and confidential files containing grades, notes, transcripts of interviews, clinical diagnoses, and other memory aids for their own use in counseling students and parent(s)/guardian(s). Such private notes are not to be made a part of the student's permanent or cumulative record, are not to be released to others, and must be destroyed when they no longer serve a useful purpose to the staff member or when the student or professional leaves the school or school system. Such notes are considered to be the personal property of the professional and shall be guarded by the tenets of professional ethics.

The school district shall inform the parent(s)/guardian(s) or eligible student when personally identifiable information in the records of the student is no longer relevant to and necessary for the

provision of educational services to the student.

Upon written request of the parent or eligible student, information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed by the school district. However, a written record, or microfilm copy of the same, including a student's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for at least one hundred (100) years beyond the date the student attains the age of twenty-one (21).

Prior to the destruction of information referred to in this policy, the school district shall send written notification to the parent(s)/guardian(s), which shall inform the parent(s)/guardian(s) of their right to receive a copy of the material to be destroyed at a fee not to exceed duplication costs.

The school district may destroy education records under the following circumstances:

- a. Records that include a student's name, address, grades, attendance records, classes attended, grade level completed and year completed may be destroyed when 100 years have passed since the student's 24th birthday.
- b. Special Education records, Section 504 records, Instructional Support Team (IST) records, and health records may be destroyed when ten (10) years have passed from the date a student has left the school district as long as there is no outstanding request to inspect and review the records and the records are deemed no longer useful to the school district.
- c. Parent(s)/guardian(s) or eligible students (eighteen years of age or older) have not requested copies by November 1 of the year the records may be destroyed as per paragraphs a & b above. Parent(s)/guardian(s) or eligible students have the right to request a copy of student records before destruction.
- d. Notice of this procedure is provided annually by publication in student handbooks, the school district newsletter and/or the school district calendar, and on the school district website.

No education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by the school district shall be destroyed except as outlined in this policy.

Nothing in this section, except as stated above, shall be construed to mean that the school district is required to destroy education records.

The destruction of any student records recorded on paper shall be by shredding.

The school district shall not destroy any education records if there is an outstanding request to inspect and review the records.

#### **Policy Interpretation and Construction**

This policy shall not be construed to impose upon the school district any obligation or duty not

otherwise imposed by law.

Failure to conform to the requirements of this policy shall not be used against the school district, unless that failure causes a substantial violation of the privacy or other legal rights of the student, or the parent(s)/guardian(s).

Relative to special education students, this policy shall not be construed to be inconsistent with the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. § 1400.1 et. seq., and its implementing regulation, 34 C.F.R. Part 300; and Chapters 14 and 16 of the regulations of the State Board of Education, 22 Pa. Code § 14.1 and 16.1, et. seq.

This policy shall be construed as consistent with all applicable state and federal laws. When a requirement of law cannot be reconciled with a provision of this policy, the requirement of law shall supersede and nullify the provision of this policy and shall be considered the policy of the school district.

The school district shall provide for the need to effectively notify parent(s)/guardian(s) of students identified as having a primary or home language other than English, hearing or visual impairment.

Procedures for the disclosure of student records shall apply equally to military recruiters and postsecondary institutions.

Copies of the student records plan shall be submitted to the Department of Education upon request of the Secretary.

Legal References:

1. 24 P.S. 1305-A
2. 24 P.S. 1306-A
3. 24 P.S. 1402
4. 24 P.S. 1409
5. 24 P.S. 1532
6. 24 P.S. 1533
7. 22 PA Code 4.52
8. 22 Pa Code 12.31
9. 22 PA Code 12.32
10. 22 PA Code 15.9
11. 20 U.S.C. 1232g
12. 34 CFR Part 99
13. 34 CFR Part 300
14. 34 CFR Part 99.3
15. 34 CFR Part 99.5
16. 34 CFR Part 99.4
17. Pol. 215
18. 34 CFR Sec 99.21
19. 34 CRD Sec 99.22