

INTRODUCTION/PHILOSOPHY

The classification, collection, maintenance and dissemination of pupil records must be governed by a clear respect for the rights of the individual student and a regard for the privacy of the family.

As used in this document, "pupil records" refers to those records maintained by the school which are necessary for the educational development of children and for the orderly function of the school. Essentially, they represent information by which the schools fulfill their commitment to the consideration of individual differences among students. This does not include the notes or files of professionals which are for their personal use only.

In order to assure the validity and usefulness of such student information, and to safeguard the student's right to confidentiality, the school district has adopted the Student Records Policy that appears on these pages.

PUPIL RECORDS AND THE LAW

The classification, collection, maintenance and dissemination of any information about a pupil or his family constitutes a potential intrusion of privacy. Issues about the handling and release of pupil information have been raised in the courts of law. Professional personnel who work closely with pupil records have expressed concern about their responsibilities within the guidelines of school law.

The courts are making it clear that pupils are citizens of the United States and are entitled to the right of privacy under the Constitution. Section 1 of the 14th Amendment to the U.S. Constitution reads as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws."

The pertinent part of the 5th Amendment reads as follows:

"No person shall be . . . deprived of life, liberty or property, without due process of law . . . "

The School Laws of Pennsylvania require each district to maintain academic and medical information. Release of this information to parents, to professional personnel and to school districts receiving transfer students is permitted under existing statutes.

Section 1531

"Teachers in the public school shall, under the directions of the proper superintendents of schools, grade and classify the pupils in their schools so that they may pursue the courses of study herein provided for, and all pupils found proficient may be promoted twice each year."

Section 1532

"Every teacher in the public elementary or high schools shall make and keep a proper record of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in said school, as well as the conduct of such pupil together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper."

Health services are required by the State in Section 1402. This Act specifies the vital information that should be recorded and the nature of periodic examinations#

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The confidential status of this information is emphasized.

Section 1403 relates to dental examinations and dental hygiene services. This section specifies the interval for examinations and requires approval for a dental hygiene program.

Recommendations to parents for medical, surgical, or dental care are permissible under Section 1406. The parent or guardian is requested to notify school authorities of the action taken on recommendations.

The confidentiality, transfer and removal of health records are outlined in Section 1409.

"All health records established and maintained pursuant to this act shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to

practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

In the case of any child of school age who enrolls in any school, public or private, in any district, and who previously attended schools in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request that the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards, or private schools shall not destroy a child's health record or portion thereof for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof, to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania."

#### PURPOSES OF PUPIL RECORDS

##### A. Pupil Identification and Accounting

1. The district performs an important function for itself and the pupil in classification, collecting, maintaining and dissemination of certain vital information about each pupil.
2. District census procedures are used to identify children and obtain data of importance in district planning for facilities, programs and services.
3. Information concerning children with handicaps is used as the basis for planning and for providing the special educational programs which may be needed by some of these children.
4. Information is maintained to outline the school history and progress of each child.
5. Identification and school progress data are used by the school in the preparation of transfer and transcript materials.

##### B. Teacher Understanding of the Pupil and Instructional Improvement

1. Pupil records help the teacher become acquainted with many of the individual characteristics of each pupil which affect the approach to learning.
2. Recorded information maintained for a pupil over a number of years gives each teacher an

indication of the pupil's growth and development through education toward physical, intellectual, personal and social maturity.

3. The study of pupil records helps the teacher in many ways:
  - a. To identify high abilities which need to be challenged
  - b. To determine particular interests to be encouraged
  - c. To recognize pupils in need of continued motivation
  - d. To establish the need for remedial attention
  - e. To plan adaptations of instruction for atypical pupils
  - f. To identify children with social, emotional or psychological problems that warrant referrals

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4. Information about pupils is needed by teachers:
  - a. In selecting instructional methods and materials
  - b. When participating in the choice of tests and other evaluative methods
  - c. In making necessary classroom arrangements and program adjustments for pupils with special problems, as reported by pupil personnel services staff members
  - d. In reporting pupil progress
  - e. In advising pupils on study habits, participation in extra-class activities, continuation of further study in a subject area, and modification of behavior
  - f. When discussing pupil adjustment and progress with parents and other school staff members.
5. Up-to-date information on pupil achievement and development should be related to other pupil record information as the teacher evaluates the effectiveness of the instruction and assistance to

each pupil.

C. Pupil Self-Understanding and Planning

1. Pupil records of current accomplishments help the pupil to measure success in relation to teacher and school standards and expectations.
2. Record information may be interpreted to the pupils to give them an understanding of their abilities, aptitudes and achievements in relation to such characteristics of their peer group.
3. Information in their records assists the pupils to learn how well their achievements match their capabilities.
4. Pupil records kept over a period of time can be interpreted to the pupil to help understand physical, intellectual, personal and social development.
5. Current and previous record information can be useful to the pupil for choices and plans for continuing education, occupational decisions, and helps toward wise career goals.

D. Enlightening the Parent to Assist the Pupil

1. Information about a child's current progress helps to keep the parent informed as to the success of the child in meeting school expectations.
2. Information interpreted to parents helps them to understand their children's accomplishments in relation to their potentialities.
3. Periodic interpretations to parents help them understand the child's physical, intellectual, personal and social development through education.
4. Information furnished and interpreted to parents concerning a child's physical defects, learning disabilities or behavior is a basis for parental understanding and cooperation in the application of adjustment and remedial instruction and services.
5. Interpretations and discussions of recorded information with parents provide additional basis for their assistance in helping the child make wise educational and career plans.

E. Staff Study and Interpretation of Data on Groups of Pupils

1. Items of pupil information, when compiled for classes or groups, help teachers become acquainted with the learning and achievement characteristics and instructional needs of a particular class or group.
2. Data on groups of pupils is needed for curriculum and program planning, development of courses of study, and determination of emphasis within courses.
3. Information on groups of pupils makes it possible for teachers and other staff members to review the characteristics or accomplishments of a group in relation to similar groups.

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4. Interpretation of information compiled on classes or groups is a means of keeping the community informed about the work and effectiveness of the school.

CLASSIFICATION OF STUDENT INFORMATION A. Preface

The Adoption of the State Board Regulations concerning pupil records has established a very clear structure which must be followed in the maintenance of student records. The guidelines of the Russell Sage Foundation, which has provided literature in this area of concern, were followed very closely. Therefore, the classification of student information must conform with what has been officially developed and approved by the Department of Education.

B. Fundamental Principle

The total set of student personnel information in a school at a given time ranges from tentative uncorroborated reports on alleged student behavior to highly stable information. These differing kinds of information require differing arrangements for collection, maintenance and dissemination. All treatment of student information shall be determined by the following classification of that information:

1. Category "A" Information

This category includes official administrative records that constitute the minimum personal

information necessary for the operation of the educational system. If collected, it shall include the following items:

- a. The student's name, address, telephone number, birth date, sex, date of entry and date of withdrawal
- b. The student's academic grades, class rank, and other records of academic progress whether teacher or computer generated
- c. The student's attendance record
- d. The student's standardized achievement test scores, and aptitude test scores
- e. The names and addresses of parents or guardians and other family background of non-confidential nature
- f. The student's record of participation in school activities, awards and letters of commendation
- g. Withdrawal forms

2. Category "B" Information

This category includes verified information of clear importance, but not absolutely necessary to the school, over time, in helping the child or in protecting others. If collected, it shall include the following items:

- a. The student's health record
- b. Systematically gathered and verified teacher and/or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns
- c. Interest inventories and standardized intelligence test scores.

3. Category "C" Information

This category will include highly confidential information and potentially useful information which may not be clearly needed beyond the immediate future and, if collected, may include# the following:

- a. Psychological reports

- b. Legal or clinical findings
- c. Other information that may be potentially useful but is not yet verified or clearly needed beyond the immediate present.

Under no condition, except by judicial order, shall the school release information gathered by any nonschool agency which is included in the school record, with the exception of birth date.

4. Category "D" Information

The private notes and other materials, such as a teacher's daily record book, created by individual school personnel as memory aids would not be available to parents or students, provided they are not revealed to another person, other than in the case of a substitute who performs another's duties for a temporary period (taken from the Family Educational Rights and Privacy Act of 1974). These notes should be discarded as soon as they are no longer pertinent.

COLLECTION OF DATA

A. Fundamental Principle

No information shall be collected from students without either prior representational consent of the School Board or informed individual consent from the parent and/or student. Parents shall be informed periodically of data and their right to access.

1. Information requiring representational consent

a. The School Board, the elected representative of the parents, shall have the authority to grant consent for the collection of the following information:

- (1) All Category "A" and Category "B" information
- (2) Such additional information as is agreed upon by the School Board and the school administration, with the prior parental knowledge of intent to engage in such an agreement.

b. In situations in which representational

consent is sufficient, students and their parents shall be informed in advance, by school officials, annually, of the purposes and character of the information collection, and shall be given reasonable opportunity by the School Board to contest the necessity or desirability of the collection process or the proposed use of the information. However, the decision of the Board

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Board is subject to higher authority or judicial review, binding on all students and parents, whether or not they might individually have consented to the collection.

2. Information requiring individual consent

- a. Individual consent from parents and/or students shall be required for all Category "C" information, except as stated in V - 3 below.
- b. Prior to the requesting of individual consent, parents shall be fully informed, in writing, as to the methods by which the information will be collected; the uses to which it will be put; the methods by which it will be retained; and the persons to whom it will be available, and under what conditions. If such explanation is impossible or undesirable, the reasons shall be presented.
- c. In all situations where individual consent is obtained, it shall be in writing.
- d. Where individual consent is required, the student's consent shall also be obtained where he or she is reasonably competent to understand the nature and consequences of his or her decision.
- e. When a student reaches the age of eighteen or is married (whether age eighteen or not) his or her consent alone must be obtained.

3. Information for which informed consent is difficult to achieve

- a. In situations where the requirement of informed consent cannot be met because of such factors as withholding parental consent, the age of the student, the unforeseeable course of

the interview process, or student-felt obligation to participate, the following procedures shall be followed#

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(1) Notification to students and parents that their participation is voluntary

(2) Careful review of the instruments and procedures to be used for any such information collection to determine whether the methods and/or inquiries constitute a significant potential invasion of privacy, even though the information is to be collected under conditions of anonymity.

MAINTENANCE OF STUDENT INFORMATION A. Fundamental Principle

All student information shall be maintained in the school in accordance with procedures identified with the classification of the material, with reasonably adequate security to safeguard the privacy of the student.

1. Category "A" Information

Information in this category shall be retained by the school for at least 100 years.

2. Category "B" Information

a. Great care must be exercised by the school to ensure the accuracy of information in this category. In particular, reported behavior patterns and specific incidents must be unambiguously described and clearly verified before they become part of any continuing record. Entries of this nature need be signed and dated.

b. The school shall give serious consideration to the elimination of unnecessary information in this category at periodic intervals such as at points of transition from elementary school to middle school and from middle school to senior high school.

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c. All information in this category shall be destroyed, or else retained under conditions of anonymity for research purposes when the student leaves school. Exceptions may be made where, under rigorous standards and impartial judgment, good cause for retention can be shown, or according to statute.

3. Category 'C' Information

a. Information in this category shall be reviewed at least once a year and destroyed as soon as its usefulness is ended. It may be transferred to Category "B" under certain conditions.

b. Transfer to Category "B" may be made only if the following two conditions are met:

(1) The continuing usefulness of the information is clearly demonstrated.

(2) The validity of the information has been verified, in which case parents must be notified and the nature of the information explained.

c. If, for any reason, temporary unevaluated information is held for more than a year, the existence of this information must be discussed with the parent and the reason for its maintenance explained fully. Parents then should have an opportunity to challenge the decision to maintain such information.

4. Challenging the validity of information

a. . Parents or students who wish to challenge the validity of any information contained in categories "A" or "B" are entitled to a hearing before the building principal and the Coordinator of Pupil Services within 20 school days of submission of a written request. The results of a hearing may result in:

(1) A statement written by the parents challenging or amending certain parts contained in the permanent record file.

(2) Certain parts of the record being removed from the permanent record file and placed in the confidential files of the Coordinator of Pupil Services or destroyed. To destroy any file contents requires the unanimous recommendation of a review panel, and concurrence of the

Superintendent! of Schools

- b. The school shall create a quasi-judicial review panel composed of qualified professional personnel to determine the validity of Category "C" information, and to provide for parental challenges of such information on occasions where its transfer to Category "B" is held to be desirable. Panel members should not be limited to school employes.
- c. With respect to both challenges and verifications, parents and students shall be given rights to counsel, to present evidence, and to cross-examine witnesses. Parents shall receive written notice of these proceedings and shall be given reasonable time to prepare for them.

5. Administration of security

- a. The principal or his des#gnee shall be responsible for record maintenance and access, and shall educate the staff concerning maintenance and access policies.
- b. All school personnel having access to records shall receive periodic training in security, with emphasis upon privacy rights of students and parents.
- c. Records shall be kept under lock and key at all times under the supervision of the principal or his designee.
- d. Category "C" records must be kept separate from those of categories "A" and "B."

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DISSEMINATION OF STUDENT INFORMATION A. Fundamental

Principle

In situations in which the school is asked by other agencies, institutions or individuals to transmit student information to those parties, stringent precautions are required to protect the rights of the student against infringement of privacy, misinterpretation of data and inappropriate use. Parental and/or student access to all information contained in the pupil's education records is guaranteed.

1. Release of information to educational officials

The school may, without consent of parents or students, release appropriate information in a student's permanent file, including Categories "A" and "B," to:

- a. School professionals within the district who have a legitimate educational interest in the student.
- b. The State Secretary of Education and officers or subordinates, as long as the intended use of the data is consistent with the Secretary's statutory powers and responsibilities.
- c. Officials of other school systems in which the student intends to enroll, under the condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity to challenge the record.

2. Release of information to other than educational officials

The school or any school personnel may not divulge, in any form, to any persons other than the educational officials listed above, any information contained in the school records except:

- a. With written consent from the student's parents specifying records to be released and to whom, and with a copy to the parent or student upon request.
- b. Or in compliance with judicial order, pursuant to any lawfully issued subpoena as instructed by the School District solicitor.
  - (1) Parents and/or students shall be notified of all such orders in advance of the school's compliance.

3. Parental or student consent and requests

- a. Where parental and/or student permission is required for the release of school records, procedures for obtaining this permission shall take into account the differences in the kinds of information contained in the student's record

file.

- (1) Routine, nonspecific consent applies only to Category "A" information.
- (2) Additional, separate and specific consent shall be required for the release of any information in Category "B."
- (3) Category "C" information may be viewed by those school district officials who have a legitimate interest and who sign a form indicating the records seen and the date. Any other release of category "C" information shall require written parental consent. When parent or student inspects Category "C" content of pupil file, the principal, psychologist and Coordinator of Pupil Services shall be present to interpret the contents.
- (4) Under no conditions, except by judicial order or subpoena, or by parental consent, shall the school release information in Category "C."
- (5) Under no conditions, except by judicial order or subpoena, shall the school release information gathered by any non-school agency which is included in the school record, with the exception of the birth date.

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b. Each matter of request for consent must be handled separately and no blanket permissions for release of information within an extended period of time may be solicited.

c. The school may comply with parental requests for the release of information to other persons or agencies, with the following exception:

- (1) When a student reaches the age of eighteen, or is an emancipated minor\* or is married (whether eighteen or not), his or her consent alone must be obtained.

d. Requests for the release of records by a parent who does not have custody of a

student may be honored after the custodial parent has been informed of the request in writing and has given his/her consent.

4. Anonymous information for outside research

The school may provide anonymous information from its records for outside research purposes without consent under conditions where the likelihood of identifying any individual because of his unique characteristics is negligible.

5. Government mandating of information release

- a. In cases in which local, State and Federal governmental agencies mandate the release of information on individuals, the principle of informed consent should apply, except in those cases involving school

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\* Reference should be made to Basic Education Circular #68, March 1, 1974. Emancipation under age 18 results from some jurisdic act or other conduct of the parent from which the extinguishment of parental rights and filial duties may be inferred. Prior to age 18, emancipation occurs only when the filial tie is severed.

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responsibilities under existing child abuse or neglect statutes.

- b. Governmental agencies, in mandating the provision of information, should abide by the recommendations herein contained to assure the rights of privacy.

- (1) Where identification of individuals is nevertheless legally required, with or without consent, written protest shall be made by the school to the requesting agency. Parents shall be informed of the specific information which has been provided and legislative redress should be sought.