

**Comprehensive Management Plan**  
**Pursuant to Policy #216 Student**  
**Records Adopted: February 15, 2018**  
**Last Revised:**

**Overview**

The following is a comprehensive plan for the collection, maintenance and disclosure of student records in the School District of Philadelphia. This plan will be reviewed annually and updated using industry best practices. Relevant staff will be trained on this plan annually using in-person and webinar trainings. Finally, this plan will be posted to the Office of Student Records Management website and circulated to all relevant school and central office staff electronically.

**I. Purpose**

The district recognizes its responsibility for the collection, retention, disclosure and protection of student records. The District also recognizes the legal requirement to maintain the confidentiality of student records and prohibits the unauthorized access, reproduction, and/or disclosure of student education records and personally identifiable information from such records.

**II. Definitions**

Attendance - includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.[\[1\]](#)

Directory information - information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.[\[1\]](#)[\[2\]](#)

Directory information - does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one (1) or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

Discipline Records- records related to a student's Code of Conduct infraction and any disciplinary consequences imposed for such infractions.

Disclosure - permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party, except the party that provided or created the record.[\[1\]](#)

English Language Learner (ELL) Data Folder - a comprehensive record of the students program participation from identification through post-exit monitoring.

Eligible student - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education.

Parent - includes a natural parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. The district shall give full rights to either parent unless the district has been provided with evidence that there is a state law, court order, or a legally binding document governing such matters as divorce, separation, or custody that specifically revokes these rights.[\[1\]](#)[\[5\]](#)

Personally identifiable information - includes, but is not limited to:[\[1\]](#)

1. The name of a student, the student's parents or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.

5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

School of origin- the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.

Student - includes any individual who is or has been in attendance at the district and regarding whom the district maintains education records<sup>[1]</sup>.

Student records - records that are directly related to a student, maintained by the school district or by a party acting for the school district, includes information that is taken obtained at registration to be enrolled in school.<sup>[1]</sup><sup>[2]</sup> The term does not include:

1. Records kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another individual.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of law and regulations.<sup>[3]</sup>
3. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
4. Grades on peer-graded papers before they are collected and recorded by a teacher.
5. Other records specifically excluded from the definition of education record under the Family Educational Rights and Privacy Act and implementing regulations.

Special Education Confidential File- A six section, comprehensive file that compiles a students special education documentation from initial request through completion of the Philadelphia School District.

### III. Responsibilities

The Office of Records Management shall be responsible for education record maintenance and access, and for the education of staff about maintenance and access procedures. The building principal is responsible for implementing School District policy concerning student education records in the building. Responses to record requests will require at least forty-eight (48) hours for processing.

All school personnel having access to education records should receive training in security, with emphasis upon privacy rights of student and parents.

Records are to be kept secure at all times under the supervision of district personnel and in accordance with law, regulations, School District policy and the Records Management Plan.

#### Annual Notification of Rights

Parents and eligible students shall be notified annually and upon initial enrollment of:

1. The rights and procedures for parents or eligible students:
  - i. To access, inspect and review the student's education records; and
  - ii. 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.
2. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations authorize disclosure without consent.
3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of the FERPA and its implementing regulations.
4. The District's practice of permitting school officials with legitimate educational interests to access student records without prior consent of the parent or eligible student, as well as

the criteria used by the district to determine who constitutes a school official and what constitutes a legitimate educational interest.

5. The types of personally identifiable information the district has designated as directory information; the parent's/eligible student's right to opt out of the disclosure of directory information; and the time period within which a parent/eligible student has to notify the district, in writing, of their decision to opt out.

The annual notice may be provided through a letter to parents/eligible students, school district calendar, student/parent handbooks, school district newsletter, on the school district's website, and/or any other effective means.

The District will also ensure that parents and eligible students who are disabled or who have a primary language other than English are effectively notified of their rights and the procedures to implement those rights.

#### IV. STUDENT RECORD

A Student Record for each active student in grades K-12 should include the following documentation:

##### FOR ALL STUDENTS:

- Registration Form (EH-40), which incorporates Home Language Survey questions
- Birth Certificate/Proof of Birth
- Parent License, passport or state ID
- Proof of Address
- Past and current year report cards/transcripts
- Standardized Test results: PSSA reports, Terra Nova results, SAT and other key results

Recognizing the District's new Student Information system will become the official record for all school district students, in instances where students have a physical record it must be kept in the in the main office of the school. Physical records can also be located in a designated secure space in the school which has been deemed appropriate by the Office of Records Management.

When a physical record is digitized by scanning and uploaded to the Student Information System, the physical record will be stored off site in accordance with the existing practice of the Office of Records Management.

The record of students who are in the categories listed below should remain with the school of origin. In the event that the students returns to a District school, the folder must be located in the last school of record.

- Students on homebound instruction
- Students placed in approved private schools
- Students who have been placed in a disciplinary school

The following items should be included in the Student Record if applicable:

- Residency Affidavit
- Delegation of Parental Responsibility
- Court Orders/Agreements/Custody/Protection from Abuse (PFA) documents
- Foster Parent Information/Agency Letters
- Summer School grades (if applicable)
- Homebound grades (if applicable)
- Authorization to Release Confidential information
- 504 Plan

Please Note: At the end of the school year, the school records designee should remove all items from the Student Record that are not educationally necessary using the above list as a reference.

#### V: PROGRAMMATIC RECORD COLLECTION

FOR ALL ELL STUDENTS, THE DATA FOLDER SHOULD INCLUDE:

- ESOL Data Folder, which includes, WPAT test/WIDA Screener, entry letter, access results (for each year in the program), monitoring form, exit letter.

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

## FOR ALL SPECIAL EDUCATION STUDENTS:

As of September 2003, all files are stored in the EZIEP system. Records are either created within the system or scanned into the system as an attachment. Scanned records include documents from other districts, information provided by parent or outside organizations, etc.

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

## DISCIPLINE RECORDS:

Discipline Folder should be maintained in an agreed upon space with the Office of Records Management and the Office of Student Rights and Responsibilities. Discipline folders should include:

- Behavior Incident Reports
- Suspension Letters

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

NOTE: The following items should be kept in a separate binder, not in the Student Record:

- Bullying and Harassment Forms
- Referrals for excessive absence and/or truancy

## Student Health Records

The District shall maintain a comprehensive health record for each child of school age, which shall include immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and medication dispensing or administration orders or prescriptions from physicians, treatment and medication dispensing or administration logs, and health-related information provided by parents.

All health records established and maintained by the District shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth of Pennsylvania.

Nursing/Student Health Record Folder maintained by School Nurse should include:

- Name, birth date, gender on folder
- Medical Alert Information: allergies, diabetes, seizure disorder
- Health History
- Immunization records
- Physicals
- Dental Exams
- Responses from health care referrals
- Other communications from health care professional (e.g., gym excuses)
- Medication Orders
- Eye exams
- Hearing exam results
- Individual Health Plans (if applicable)

District Level Special Education Folder maintained by Special Education Department at Administration Building should include:

- Permission to Evaluate
- Evaluation Report (ER)
- Re-evaluations
- Individualized Education Program (IEP)
- Manifestation Determination
- Letters
- Other relevant documents



## VI. Disclosure of Student Records

The District shall obtain the signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, other than directory information, except as specifically permitted by law and regulations. Signed and dated written consent may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

When disclosure is made pursuant to signed and dated written consent, the district shall, upon request, provide the parent, eligible student, and/or student who is not an eligible student with a copy of the record(s) disclosed. Copies of the records disclosed are subject to district copying fees.

The District shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

However, the District may disclose personally identifiable information from the education records of a student without written consent of the parent(s) or the eligible student if the disclosure is:

1. To other school officials, including teachers, guidance counselors, nurses, and I.U. personnel within the school district who have been determined by the school district to have legitimate educational interests. A contractor or consultant, or other party providing educational services or functions may be considered a school official provided that the party:
  - a. Performs an institutional service or function for which the district would otherwise use employees;
  - b. Is under the direct control of the district with respect to the use and maintenance of education records; and

- c. Uses the information only for the purposes for which disclosure was made and does not re-disclose information to any other party without the prior consent of the parent or eligible student.

The District shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

- 2 To officials of another school or school system or postsecondary schools in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment/transfer or where the student is enrolled and receiving services. Parents and eligible students may request a copy of, and be provided the opportunity to challenge, the contents of the records sent.
- 3 To authorized representatives of the state or federal government, subject to the conditions set forth in law and regulations.
- 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 to determine the eligibility for, amount of, and conditions for aid, and to enforce the terms and conditions of the aid.
- 5 To organizations conducting studies for or on behalf of the district to develop, validate or administer predictive tests, administer student aid programs or improve instruction. Such disclosures are permissible only if:
  - a. The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
  - b. The information is destroyed when no longer needed for the purposes for which the study was conducted; and
  - c. The educational agency or institution enters into a written agreement with the organization that:
    - 1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

- 2) Requires the organization to use personally identifiable information from education records only to meet the purpose(s) of the study as stated in the written agreement;
- 3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
- 4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

6 To comply with a judicial order or lawfully issued subpoena:

a. The District shall make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance unless the disclosure is in compliance with:

- 1) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- 2) 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) An *ex parte* order obtained by the U.S. Attorney General in connection with the investigation or prosecution of specified terrorism offenses (such as a temporary custody order); or
- 4) A court proceeding in which a parent is a party involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding.

- b. The District may disclose to a court, without court order or subpoena, the education records of a student that are relevant for the district to proceed with or defend a legal action.
7. To appropriate parties, including parents of an eligible student, in connection with a health or safety emergency, subject to certain conditions, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
  - a. The District shall not be prohibited from including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community and disclosing appropriate information to teachers and school officials within the District or in other schools who the agency or institution has determined have legitimate educational interests in the behavior of the student.
  - b. In making a determination under this section, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In the event that personally identifiable information is disclosed due to a health or safety emergency, the District shall keep a record of the parties that received the information and the significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure.

8. Information designated by the school district as directory information, provided that parents and eligible students have received prior notice of the types of personally identifiable information the district has designated as directory information; the parent's/eligible student's right to opt out of the disclosure of directory information; and the time period within which a parent/eligible student has to notify the district, in writing, of their decision to opt out.

A parent or eligible student may not use the right to opt out of directory information disclosures to prevent the district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled; or requiring a

student to wear, to display publicly, or to disclose a student ID card/badge that exhibits information that has been properly designated as directory information.

The District may continue to disclose directory information about former students without providing annual notice and opt out opportunities; however, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt out request.

- 9 The District may not disclose or confirm directory information without obtaining written consent if a student's Social Security Number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.
- 10 To an agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan, as defined and determined by the state, when such agency or organization is legally responsible, in accordance with state law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state laws applicable to protecting the confidentiality of a student's education records.
- 11 To the parents of a student who is not an eligible student or to the student.
- 12 As otherwise required or permitted by law and regulations.

Questions regarding the disclosure of information should be referred to the Building Principal or the Deputy Chief of Student Rights and Responsibilities.

## VII. Special Disclosure Procedures

### A. De-Identified Records and Information

The District may release education records or information without required consent after the removal of all personally identifiable information, provided that the District has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

The District may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The District does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's Social Security Number or other personal information.

### B. Re-disclosure of Records

The District will disclose information from education records only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

Information disclosed by the District is to be used by the party only for the purpose(s) for which the disclosure was made.

The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district only if the requirements of law and regulations are met.

#### C. Transfer of Records to another School District or Charter School

Upon receiving a request for educational records, health records, or student disciplinary records from another school district or charter school where the student seeks or intends to enroll, the district shall forward the records within ten (10) business days of receipt of the request. A signed parent consent form is not required prior to this disclosure.

#### D. Responding To Subpoenas for Student Records

If a school employee receives a subpoena from any court or administrative body regarding student records, the school employee will immediately refer the subpoena to the Deputy Chief of Student Rights and Responsibilities (or designee).

#### F. Review and inspection of records by parents and/or eligible students

Requests by a parent or eligible student to inspect and review the education record of a student are to be directed to the principal of the school in which the student is enrolled or to the Office of Records Management for access to inactive records (e.g., graduates and withdrawals or special education records). Access shall be granted within a reasonable period of time not to exceed forty-five (45) calendar days after receiving the request. Review of records shall be permitted in the presence of the principal/designee for the purposes of security and assistance in explaining or interpreting the data. The District shall respond to any reasonable request for explanation and interpretation of the records.

If the education records of a student contain information about more than one (1) student, the parent of the student or the eligible student may inspect and review or be informed orally or in writing of only the specific information which pertains to that student.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the District shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records. Copies shall be provided at a reasonable rate as determined by the district in order to cover the cost of copying.

*There shall be no fee to search for or to retrieve the education records of a student.*

E. Record of requests and disclosures required to be maintained

The District shall maintain a record of each request for and each disclosure of personally identifiable information from the education records of a student. The District will maintain the record of disclosure with the education records of the student for as long as the records are maintained. For each disclosure, the record must include the parties who have requested or obtained personally identifiable information from the student's education records and the legitimate interests these parties had in requesting or obtaining the information.

If a disclosure is made, pursuant to a health or safety emergency, the District shall record the specific and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure, as well as the parties to whom the district disclosed the information.

The record of access shall include not only in-person access, but also cases where information is disclosed by any other means including, but not limited to, telephone, facsimile, email and/or mail. The school official permitting access/disclosure shall take necessary steps to confirm the identity of persons requesting student information and the legitimacy of the request.

The record of disclosure shall be available for inspection by parents, eligible students, school officials responsible for the custody of the records, and authorized representatives of the federal or state government for the purpose of auditing the district's recordkeeping procedures.

If the District discloses personally identifiable information from education records with the understanding that the party intends to re-disclose the information, the record of the disclosure must include:

1. The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and
2. The legitimate interest which each of the additional parties has in requesting or obtaining the information.



3. This requirement does not apply to disclosures to authorized representatives of state and federal government to whom disclosure is permitted without parent/eligible student consent; however, the District will request a copy of the record of further disclosures from the state and/or federal government in response to a parent's or eligible student's request to review such records.

### VIII. Amendment of Education Records

A parent or eligible student who believes that information in education records collected, maintained or used by the district is inaccurate, misleading or violates the student's privacy or other rights, has the right to request that the District correct, amend or delete 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 building principal shall decide whether to amend the information in accordance with the requests of the parent or eligible student within a reasonable time period not more than thirty (30) calendar days after receipt of the request.
3. If the building principal decides to amend the information in accordance with the request, the building principal shall notify the parent or eligible student, in writing, of the decision to amend the record.
4. If the building principal decides not to amend the information as requested, the building principal shall inform the parent or eligible student, in writing, of his/her decision, the specific reason(s) for the refusal, and the right to request a hearing.

Inaccuracies in student records can be changed at any point after a child has transferred to a new school; enrolled in further education; moved on to a different school in the district, graduated or withdrawn from the district, regardless of time constraints.

If the parent or eligible student is not satisfied with the principal's decision to not amend the record, s/he may submit a written request for a hearing to challenge the information in the student's education records to the Office of Appeals or designee within thirty (30) days of receiving the principal's decision.

The District shall hold the hearing within a reasonable time, not to exceed forty-five (45) calendar days, after receiving the request for a hearing and provide the parent or eligible student reasonable advance written notice of the date, time, and place of the hearing. The District shall inform the parent or eligible student of its decision in writing within forty-five (45) calendar days after the hearing.

The hearing shall be conducted in accordance with the following requirements:

1. The hearing shall be conducted by a school official who does not have a direct interest in the outcome of the hearing.
2. The parent or eligible student shall have a full and fair opportunity to present relevant evidence.
3. The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney.
4. The decision shall be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the District shall amend the information accordingly and inform the parent or eligible student in writing.

If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the District shall inform the parent or eligible student of the parent's/student's right to place in the records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.

Any statement placed in the student's records shall be:

1. Maintained by the District as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

## IX. SUPPLEMENTAL MAINTENANCE PROCEDURES

### Maintenance and destruction of information

The district shall maintain and destroy the educational records of all its students consistent with the district records retention schedule.

### Annual review of student records

In June of each school year, each Student Record should be reviewed by the appropriate personnel to ensure that required items are in the folder and that other items are purged.

Review of student records at transition years – K to 1st, 5th to 6th and 8th to 9th Although Cumulative and other Student Folders are reviewed on an annual basis, a comprehensive file review should also take place at the following transition times: Kindergarten Center to 1st grade, elementary school to middle school, and middle school to high school.

### Review of student records prior to transitioning to another District school

When a student transitions within the district, the designated office staff should review the Student Record to verify that all required items are included and to remove all non-required items. The designee reviews the list of items required to be in the Student Record (see Section I of this document). If an item was placed in the folder on an “as-needed basis,” it is evaluated to determine if it remains educationally necessary. Purged documents are shredded.

The same process should occur for special folders such as the Nursing Folder, ELL Folder and all others.

### Record procedures for students placed on homebound or in an out-of-district placement

When the District places a student on homebound instruction or in an out-of-district placement, Student Records **MUST** be maintained at the last attended school on record. At graduation, student files are treated the same as any other graduate.

### Record procedures for students who withdraw from the district

When a student withdraws from the District, the designated office staff reviews the Student Records to verify that all required items are included and to remove all non-required items (see

Section I of this document). If an item was placed in the folder on an “as-needed basis,” it is evaluated to determine if it remains educationally necessary. Purged documents are shredded.

No request for records: When there is no request for records from another school, the Student Record is held on file at the school until the student reaches the age of 21. At that time, only basic information required to be kept for 100 years is retained at the school. This can be in the form of a registration card.

Request for records from other districts: When there is a request for records from another school district in Pennsylvania, copies of the Student Record it should be forwarded to the requesting district. The school retains the original Student Record until the student reaches the age of 21. At that time, only basic information required to be kept for 100 years is retained at the school. This can be in the form of a registration card.

Records collection from Elementary/Middle schools for long-term storage: Student Record that do not transition out of a respective school shall remain in the school until the student turns 21 years of age. Once the student reaches that age, schools will follow the established Records Management procedures for long term storage.

Records collection from High schools for long-term storage: Student Record of students who graduate will be prepared for long term storage using the established Records Management criteria one (1) school year after graduation. All other Student Record must remain in the school until the student turns 21 years of age. Once the student reaches that age, schools will follow the established Records Management procedures for long term storage.

References:  
Board Policy 216,

Family Educational Rights and Privacy Act (FERPA)  
Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the School District of Philadelphia with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. <sup>1</sup>

If you do not want the School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by November 1st, 2017. The school District has designated the following information as directory information:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Student's name</li><li>• Address</li><li>• Telephone listing</li><li>• Primary language</li><li>• Photograph</li><li>• Date and place of birth</li><li>• Major field of study</li><li>• Dates of attendance</li><li>• Grade level</li></ul> | <ul style="list-style-type: none"><li>• Participation in officially recognized activities and sports</li><li>• Weight and height if members of athletic team</li><li>• Degrees, honors, and awards received</li><li>• The most recent educational agency or institution attended</li><li>• Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)</li></ul> |
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<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

# Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

*Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

•*Receive notice and an opportunity to opt a student out of-*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

•*Inspect*, upon request and before administration or use -

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The School District of Philadelphia has policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of

participation of the specific activity or survey. The school District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

## Model Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the school to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a



disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student-

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(J) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. § 99.31(a)(2)
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education

programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under §99.37 are met. (§99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

The School District of Philadelphia  
Office of Student Rights & Responsibilities  
440 N. Broad Street, Second Floor  
Philadelphia, PA 19130

Rachel Holzman, Esquire  
Deputy Chief

## Release of Directory Information Opt-Out Form

The School District of Philadelphia may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

Directory information includes the following: name, address, phone number, date and place of birth; field of study; participation in recognized activities and sports; height/weight, if member of athletic team; dates of attendance; degrees, awards, photographs, rosters; previous school(s) attended; and primary language.

The primary purpose of directory information is to allow The School District of Philadelphia to include this type of information from your child's education records in certain school publications, including: a playbill, showing your student's role in a drama production; school newsletters, the annual yearbook; honor roll or other recognition lists; graduation programs; and sports activity sheets, such as for basketball, showing weight and height of team members.

This information may also be made available to qualified outside organizations upon request. Qualified outside organizations include, but are not limited to, scholarship providers, trade/technical schools, and potential employers. In recognition of a family's right to privacy, it is the policy of The School District of Philadelphia that directory information will not be provided to commercial enterprises.

Parents or eligible students (18 years old or above) have the right to have directory information withheld upon written request. If you prefer to deny release of directory information without prior written consent, please complete and return the entire form to your child's school by November 1, 2017. Once this form is completed and returned to the school, your choice will not change until you complete and submit a new form. Use a separate form for each child. Only return this form if you do NOT want directory information released.

I DO NOT want directory information to be released and request ONE of the following:

Do not release my student's directory information at any time. No information for school publications, school activities, trade schools, scholarship providers or employers.

Do not release my student's directory information at any time, except for school publications, school activities and to qualified outside organizations.

Do not release my student's directory information at any time, except for school publications and school activities.

Do not release my student's directory information to military recruiters (11th and 12<sup>th</sup> grade only)

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Student Name (Please Print)

Name of School (Please Print)

Student ID#

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Parent/Guardian Name (Please Print)

Parent/Guardian Signature

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Date

Student Signature (if 18 years or older)