

Student Records

Definitions

Student means any individual who is or has been in attendance at the Tredyffrin/Easttown School District (“the District”) and for whom the District maintains records.

Parent means a parent of a student, and includes a biological parent, a guardian, or an individual legally acting as a parent of a student in the absence of a parent or guardian (i.e. surrogate parent).

Directory information includes, but is not limited to, the following information relating to a student: the student/family members’ name, address, telephone number, electronic mail address, photograph, date and place of birth, years of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

Directory information does not include a student’s Social Security Number, grades, status as a student with special needs, or any other information that is not specifically identified in the prior paragraph.

Directory information may include a student identification (ID) number or personal identifier as long as the ID number or identifier cannot be used to gain access to educational records without another factor (such as a PIN or password) possessed only by the authorized user.

Directory information may be disclosed for purposes beneficial to the student and the District only with the approval of the Superintendent or designee.

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.

Disclosure means permitting access or the release, transfer, or other communication of personally identifiable information contained in education records of the student orally, in writing, by electronic means, or by any other means to any party except the party identified as the party that provided or created the record.

Educational agency means any public or private agency to which the Family Educational Rights and Privacy Act (“FERPA”) applies.

Education records (or **Student records**) means those records that are directly related to a student and maintained by the District or a party acting for the District. They do not include:

- a. Records kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. 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.
- c. Other records specifically excluded from the definition of education records under FERPA and its implementing regulations.

Eligible student means a student who has attained eighteen (18) years of age or a student who is attending an institution of post-secondary education at any age. In the case of a dually enrolled student, the District and the postsecondary institution at which the student is enrolled may exchange relevant information on the student. If the student is under eighteen (18) years of age, the parents still retain the rights under FERPA at the District and may inspect and review any records sent by the postsecondary institution to the District. The rights of the parents or guardians of students with an Individualized Education Program (IEP) retain their rights under this regulation until the student is 21, but will share all rights under this regulation with the eligible student. To the extent that a student with an IEP has a guardianship order addressing the rights of the student and their parents or guardians, the terms of that order shall apply.

Electronically stored information (ESI) includes, but is not limited to, emails and electronic documents. The possible sources/locations of ESI are individual hard drives, local and remote servers, removable media and devices used to conduct school district business.

Personally identifiable information means data or information including the following:

- a. The name of a student or the name of any of the student's family members.
- b. The address of the student or of the student's family.
- c. A personally identifying piece of information such as the student's telephone number, student ID, biometric record, or social security number.
- d. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
- e. Health insurance and other medical information, if in combination with the first name or first initial and last name of a student. (See Policy and Administrative Regulation 8200 for further information regarding the protection of private health information).

- f. 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; or
- g. Information requested by a person who the agency or institution reasonably believes to know the identity of the student to whom the education record relates.

Biometric record, as used in the definition of “personally identifiable information,” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

School officials refer to persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a Board member; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A contractor, consultant, volunteer, or other party to whom the District has outsourced District services or functions may be considered a school official under certain circumstances.

Legitimate educational interest means needed in order for the school official to fulfill their designated professional responsibilities.

Protection of confidentiality

The District shall protect the confidentiality of personally identifiable information in the collection, storage, disclosure and destruction of student records.

Annual notification of rights (See Attachment 2)

The District shall give parents of students in attendance or eligible students in attendance at the District annual notice by such means as are reasonably likely to inform them of their rights under FERPA including the following:

1. The right to inspect and review the student’s education records.
2. The right to seek 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.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

4. The right to file with the Department of Education a complaint concerning alleged failures by the District to comply with FERPA.

Parent access rights

Parents, as defined above, have a right to inspect, review and copy education records maintained by the District relating to their child in the presence of a school official. Parents wishing to inspect, review or copy such records should submit a written request to the school principal or designee that identifies the record(s) they wish to inspect, review or copy. The District shall comply with a proper request within a reasonable period of time, but not exceeding 45 days after the request is received.

If circumstances effectively prevent the parent from exercising the right to inspect and review the student's education records, the District shall:

- a. Provide the parent with a copy of the records requested; or
- b. Make other arrangements for the parent to inspect and review the requested records.

The District may charge a fee for a copy of an education record in accordance with this Administrative Regulation.

The right to inspect, review or copy education records includes:

- a. The right of a parent to request and receive from the District a reasonable explanation and interpretation of information contained in the education records of the child.; and
- b. The right of a parent to designate a representative who will inspect, review or copy the records.

If an education record of a student includes information on more than one student, the parent may inspect, review or be informed of only the information relating to their child. A parent has the right to copy an education record originally containing information on more than one child, but prior to doing so, the District shall delete, redact, or otherwise remove from the record any personally identifiable information concerning any child who is not the child of the parent.

In cases involving separation, divorce, or custody in which the law views both parents as legal guardians, both the parent with whom the child resides and the parent with whom the child does not reside enjoy the same rights and privileges regarding review of and access to student records absent a court order to the contrary.

In case of divorce, unless there are extenuating or limiting circumstances, both biological parents retain the legal right to review student records. In cases where the divorce decree limits the rights of the non-custodial parent with respect to visitation or knowledge of the

child, the non-custodial parent shall be denied access to the child's records. The burden to produce the court order to deny access is on the parent seeking to deny access. In order to protect the interests of the District, when a divorced non-custodial parent requests access to a child's records, and there is no court order or other legally binding document denying access on file, that parent may be requested to complete a Records Access Affidavit. The completed Affidavit shall be retained in the student's file.

Student access rights

Whenever a student becomes an eligible student, as defined above, the rights accorded to and the consent required of the parent of the student under FERPA shall thereafter be accorded to and required of only the student.

Access of records

The District shall keep an access record of each individual, organization or agency other than school officials, as defined above, that requests access to and each disclosure that is made of personally identifiable information from the education records of each student. The access record shall include the name of the party, the date access was given and the legitimate interests for which the party was allowed to use the records. In the event that the District discloses personally identifiable information from education records of a student under the health or safety emergency exception outlined in FERPA, the District shall further record the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure.

Personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student or as permitted by law.

In the event that the District discloses personally identifiable information from an education record with the understanding that the party receiving the information may make further disclosures as authorized by FERPA or other applicable law, the access record shall include the names of the additional parties to which the receiving party may disclose the information on behalf of the District, and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

The following parties shall have the right to inspect and review the access record: (1) the parents(s) or eligible student; (2) the school official or their assistant(s) who are responsible for the custody of such records; and (3) those parties authorized by FERPA for the purposes of auditing the recordkeeping procedures of the District.

Maintenance/Destruction of student records

Information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed as delineated in the Student Records Retention Chart (see Attachment 1). The timelines listed in Attachment 1 reflect minimum retention periods. The District shall make a good faith effort to periodically and systematically review and destroy records as contemplated in Attachment 1; however, nothing in this Administrative Regulation shall be construed as a guarantee that every applicable record

will be destroyed on the exact date on which the minimum retention period has been satisfied. Furthermore, the District may retain a written record of a student's name, address, telephone number, grades, attendance records, classes attended, grade level completed and year completed indefinitely.

Notwithstanding the minimum retention periods listed in Attachment 1, the District will comply with any court order directing the expungement or destruction of student records upon the terms and conditions outlined in such court order.

Any student records not specifically identified on the chart shall be referred to the Director of Assessment and Accountability for review.

The destruction of records of students with disabilities is subject to the following conditions:

- a. The District shall inform the parents of a student with a disability 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, and as a result, will be destroyed. Parents shall be provided notice of their right to receive a copy of the material to be destroyed prior to its destruction.
- b. The District shall not destroy 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 District.
- c. The District shall maintain records needed for a financial or programmatic audit of any program receiving Federal funding for three years after the completion of the activity for which the funding was used.

Legal hold procedures

When a matter is likely to lead to litigation by or against the District, a “legal hold” will be placed on the relevant matter(s), requiring that education records, including ESI, relating to the matter be retained by the District until such time as the legal hold is lifted, regardless of minimum retention periods that would dictate otherwise.

Because of the variety of matters that could lead to litigation by or against the District, the responsibility to identify such matters rests with District employees. Principals and other supervisors are responsible for informing staff whom they supervise of their responsibilities to preserve and produce items covered by a legal hold.

When a District employee has reason to believe that a matter may give rise to potential litigation, that employee shall:

1. advise their immediate supervisor, building supervisor, or the appropriate central office administrator of the matter and, if requested by the supervisor, prepare a written report stating what the individual saw and/or heard, the names of the people and entities involved, and the names of any witnesses; and

2. preserve education records relating to the matter pending a determination regarding whether a legal hold is necessary.

The administrator shall then forward a written report to the Superintendent or designee, who, in consultation with the Solicitor, will determine whether to place a legal hold on education records, including ESI, relevant to the incident(s).

If a legal hold is implemented, then the Superintendent or designee shall direct the appropriate administrator(s) to make all reasonable efforts to retrieve and maintain any archived ESI before that data is purged and to further prevent potentially relevant records from being purged or deleted.

The Superintendent or designee shall direct the appropriate administrator(s) to advise District employees involved with the incident(s) or matter(s) at issue to retain all documents, data and information regarding the matter including, but not limited to, email communications, texts, notes, letters and voice mail messages pending further notice.

If a matter is settled or resolved, or the relevant statute of limitations has run out or it otherwise becomes apparent that litigation is not likely to arise, then the Superintendent or designee, in consultation with the Solicitor, will release the legal hold and the retained and stored documents may then be disposed of in accordance with the District's ordinary document retention policies.

Release of information

The following standards apply regarding the release of information:

Written parental consent shall be obtained before education records or personally identifiable information contained therein is released to any party unless one of the exceptions listed in § 99.31 of the FERPA regulations apply. Examples of the exceptions include, but are not limited to, the following:

1. Directory information, if the District has given public notice to parents of students in attendance and eligible students in attendance of:
 - The types of personally identifiable information that the District has designated as directory information;
 - A parent's or eligible student's right to refrain from designating any information about the student as directory information; and
 - The period of time within which a parent or eligible student has to notify the District in writing that the student does not want any or all of those types of information about the student designated as directory information.

The District may disclose directory information about former students without complying with the notice and opt out conditions listed above. 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.

A parent or eligible student may not use the right above 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 e-mail address in a class in which the student is enrolled.

The District may not disclose or confirm directory information without meeting the written consent requirements 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.

2. The disclosure is to other school officials whom the District has determined to have legitimate educational interests. A contractor, consultant, volunteer, or other party to whom the District has outsourced District services or functions may be considered a school official provided that the outside party performs a District service or function for which the District would otherwise use employees; is under the direct control of the District with respect to the use and maintenance of education records; and is subject to the requirements of FERPA governing the use and re-disclosure of personally identifiable information from education records. The District must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate education interests.
3. The disclosure is 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 so long as the disclosure is for purposes related to the student's enrollment or transfer.
4. The records have been subpoenaed by a judicial authority, but only if the District makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a subpoena and the court or other issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
5. The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals. 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.
6. A state or local child welfare agency caseworker or other representative is permitted to have access to the student's education records without having to obtain parental consent or a court order. This exception applies to children for whom the public child welfare agency has legal responsibility for their care and protection, specifically those children in the legal custody of the agency who are

placed in out-of-home care. This would include children placed under a voluntary placement agreement and shared case responsibility youth who have been adjudicated dependent. Proof of the relationship with the child must be provided.

Special procedures regarding record-keeping regarding student disciplinary records

Each principal or designee shall be responsible for recording and retaining records of student disciplinary actions.

The District shall disclose a student's disciplinary records to the following:

- a. Whenever a District student transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the student has transferred, upon written request by the school entity or nonpublic school to which the student has transferred. The disciplinary record shall be supplied to the receiving school within ten (10) days from receipt of the written request to supply a certified copy of the student's disciplinary record. The requirements of this section apply as well to transfers between schools within the District. The District shall maintain required records concerning adjudicated students and transfer students disciplined for offenses involving weapons, alcohol, drugs and violence on school property.
- b. In the event that the District reports a crime committed by a child with a disability, the District must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the District reports the crime, but only to the extent permitted by FERPA and this regulation.
- c. All other requests for disciplinary records, including records requested by post-secondary institutions, will not be disclosed without written parent/guardian consent.

Parents' request for amendment of records

Request to amend - A parent who believes that information in education records collected, maintained or used under this section is inaccurate or misleading or violates the privacy or other rights of their child may request the school to amend the information.

- (a) The school principal shall decide whether to amend the record in accordance with the request of the parent within a reasonable time after receipt of the request to amend.
- (b) If the principal declines to amend the record(s) in accordance with the request of the parent, the parent shall be informed of the refusal and the specific reasons for the refusal. The parent (also) shall be notified in writing of the right to request and receive a hearing to challenge the decision of the school principal.

Records hearing - The District shall, on parent request, provide an opportunity for a hearing to challenge information in education records if the parent alleges that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of their child. The hearing shall be conducted according to the following:

- (a) The hearing shall be held within a reasonable time after the request has been received.
- (b) Notice shall be given to the parent or eligible student of the date, time, and place of the hearing, reasonably in advance of the hearing.
- (c) The hearing shall be conducted by an individual, who may be a school official, who does not have a direct interest in the outcome of the hearing.
- (d) The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issue(s) raised. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney.
- (e) The District shall make its decision in writing within a reasonable period of time after the hearing.
- (f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Decision to amend - If, as a result of the hearing, the District decides that the records are inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records accordingly and so inform the parent in writing.

Decision not to amend - If, as a result of the hearing, the District decides that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent in writing and also advise the parent of the right to place in the education record of the student a statement that sets forth the written comments of the parent upon the information in the education records or reasons for disagreeing with the decision of the District, or both.

- (a) The statement of the parent shall be appended to the education records for as long as the record(s) or the contested portion thereof is maintained by the District.
- (b) If the education record(s) of the student or the contested portion thereof is released by the District to a third party, the statement of the parent shall also be released to that third party.
- (c) This section will not be interpreted to mean that the parent and the District may not by mutual agreement, meet prior to a parent request for a hearing or the hearing itself to discuss the concerns of the parent regarding the accuracy or inaccuracy of the records of the student and to reach a resolution.

Scope of hearing – Parents may not use the FERPA records amendment hearing process to challenge a grade, opinion, or substantive decision made by the District about a student. FERPA was intended to require that schools conform to fair

recordkeeping practices, and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords parents the right to seek amendment to education records that contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion, or a substantive decision made by a school about a student. Additionally, if FERPA's amendment procedures are not applicable to a parent's request for amendment of education records, the District is not required to hold a hearing on the matter.

Fees

Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, the District may charge a fee for a copy of an education record that is made for the parent or eligible student.

The Superintendent or designee may waive fees that total less than \$10.

Fees for copying will be charged according to the following fee schedule which shall be periodically updated.

Copying costs

Paper copying charge	\$0.25 per page
Electronic records copied to native media	Actual Cost to District
Conversion to paper	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.

Filing of formal complaints

The District shall inform parents and eligible students of their right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. Such complaints shall be submitted in writing to:

Student Privacy Policy
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Revised: August 1995
Revised: August 2007
Revised: September 2, 2008
Revised: January 8, 2009
Revised: September 19, 2013
Revised: November 14, 2014
Revised: February 1, 2018
Revised: October 4, 2018
Revised: January 5, 2021
Revised: August 31, 2021
Revised: May 23, 2023
Revised: September 3, 2024

Attachment 1

RECORD RETENTION SCHEDULE

DESCRIPTION	RETENTION PERIOD
<p>Student Records – Official Administrative Record</p> <p>Includes a Student’s high school transcript. May also include information such as a Student’s name, address, phone number, grades, attendance record, classes attended, grade level and year completed.</p>	District may retain this information indefinitely
Student Records – Medical	6 years after date student last enrolled
Student Records – Special Education	Periodically review; Retain relevant information ¹ for at least six (6) years after a child’s graduation or six (6) years after that child is no longer of school age
Student Records – Standardized Testing Materials	<ul style="list-style-type: none"> • PSSA, Keystone Exam, and PASA test booklets – Destroy one (1) year after student reports are delivered for the administration associated with the test booklets • PSSA and Keystone Exam answer booklets and PASA media recordings – Destroy three (3) years after completion of the assessment
Student Records – Discipline	6 years after date student last enrolled
Student Records – Cumulative Folder	6 years after date student last enrolled
Student Records – Other (Includes, but is not limited to, grades on teacher prepared tests, student work, absence notes, etc.)	Annually review; Retain relevant information for up to 6 years after the date the student was last enrolled

¹ Under the IDEA and relevant regulations, the District must inform parents when information is determined to be no longer relevant to provide educational services to the student, and will therefore be destroyed. Information may be destroyed at the request of the parents, with the exception of the Official Administrative Record and Student discipline records described above

Attachment 2 – ANNUAL NOTIFICATION OF RIGHTS

RIGHTS PERTAINING TO STUDENT RECORDS; COLLECTION AND USE OF DIRECTORY INFORMATION

Student Records

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 records¹. Please refer to Board Policy and Administrative Regulation 5225 and its accompanying procedures (which are available on the District’s website or by contacting the District by phone at 610-240-1900) for details regarding the District’s procedures for the classification, maintenance and destruction of student records. A summary of these rights follows:

- (1) **The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access:** Parents/guardians or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent/guardian 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/guardian or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA:** Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate or misleading. They should submit a written request to the school principal, clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. If the District decides not to amend the record as requested by the parent/guardian or eligible student, the District will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.
- (3) **The right to consent to disclosures of personally identifiable information contained in 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. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a Board member; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A contractor, consultant, volunteer, or other party to whom the District has outsourced District services or functions may be considered a school official under certain circumstances where the individual has a legitimate educational interest in the education record. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. The District also discloses educational records without consent to officials of other agencies or institutions that have requested the records and in which the student attends or seeks or intends to enroll.

¹ The rights of the parents or guardians of students with an Individualized Education Program (IEP) retain these rights until the student is 21, but will share all rights under this regulation with the eligible student. To the extent that a student with an IEP has a guardianship order addressing the rights of the student and their parents or guardians, the terms of that order shall control.

- (4) **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 FERPA.**

The name and address of the Office that administers FERPA is:

Student Privacy Policy
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notice for Student Directory Information

The District may disclose the following types of information (known as “directory information”) without your consent unless you notify your school principal in writing prior to September 1 that you do not want the District to disclose directory information from your child’s educational records without your prior written consent.

Directory information includes the following information relating to a student: the student/family members’ name, address, telephone number, electronic mail address, photograph, date and place of birth, years of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, and other similar information. Directory information may include a student identification (ID) number or personal identifier as long as the ID number or identifier cannot be used to gain access to educational records without another factor (such as a PIN or password) possessed only by the authorized user. Directory information may be disclosed for purposes beneficial to the student and the District only with the approval of the District Superintendent or designee.