

# NORTH PENN SCHOOL DISTRICT

## School Board Policy

5125(a)

**STUDENT**

Reference: Board Policy #5120

**Elementary and Secondary**

**Student Records**

The educational interests of students and of society require the collection, retention, and use of information about individual students and groups of students. The welfare and progress of students is inextricably related to the maintenance of a thorough and efficient system of student record keeping.

The primary purpose of student recordkeeping shall be the educational welfare and advancement of the students. The board has primary responsibility for the compilation, maintenance, access to, and security of student records. The staff only may compile records mandated by the Commonwealth, the federal government, or specifically permitted by this policy. This policy adheres to all federal and state laws that govern student record keeping in public schools.

### Definitions

The following terms as used in this policy shall have the following meanings:

1.1 **Directory information.** The name, address, telephone number, e-mail address, date and place of birth, names of parents and siblings, dates of attendance, whether the student graduated and the date of graduation, awards received, participation in district-approved extracurricular activities, weight and height of interscholastic athletic team members, photographs, and schools attended within the District.

1.2 **Disclose; disclosure.** Permit access to or release, transfer, or otherwise communicate to any person or entity, other than the parents of the student or the student, personally identifiable information contained in the education record of the student or acquired by any person working for or on behalf of the district in the course of performing their duties for or on behalf of the district.

1.3 **Education record.** Any information recorded or stored by any means—including, but not limited to, information that is handwritten, typed, printed, or stored on computer media, microfilm, microfiche, video or audio tape, film, or digital medium—that is directly related to the student and is maintained in any office or school building of the district, the Montgomery County Intermediate Unit, or a vocational technical school, or any private school or facility that the district is using to provide free elementary or secondary education to the student in place of a public school. The term does not include the following:

(a) records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons—including, but not limited to, instructional support teachers, counselors, therapists and clinicians, school psychologists and psychiatrists, nurses, and instructional aides—that are kept in the sole possession of the maker of the record and the contents of which are not accessible or revealed to any other person except a substitute for the maker of the record;

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(b) records that contain information concerning the student only after he or she is no longer a student in the district or receiving district-supported education; and

(c) other records specifically excluded from the definition of “education record” under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation, 34 C.F.R. Part 99.

1.4 **Eligible student.** A present or former student who has attained the age of eighteen or a former student who is attending an institution of post-secondary education.

1.5 **Emancipated minor.** A student below the age of twenty-one who has chosen to establish a domicile apart from the continued control and support of parents or guardians. The term includes a minor living with a spouse.

1.6 **IEP.** Individualized education program.

1.7 **Maintain or maintained.** In the case of personally-identifiable information on paper or stored on magnetic or video tape, the term shall mean kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally-identifiable digital information that is electronically-stored, including electronic mail, the term shall mean kept in a secure database located on a server or servers, disk partition, or other electronic storage system specifically designated by the Superintendent or his or her designee as a “student records maintenance site.” The district electronic mail server or servers, or directory or directories, and the files on local disk drives dedicated to the storage of sent or received electronic mail, shall not for any purpose constitute a “student records maintenance site” and any mail stored thereon shall either be deleted or moved to a “student records maintenance site” at least once annually.

1.8 **Parent.** The natural or adoptive parents of a student, regardless of residency or physical custodial status; the legal guardian or guardians of a student; or an individual acting as a parent in the absence of a natural parent or guardian.

1.9 **Personally identifiable information.** Any one or more of the following:

(a) The student’s name;

(b) The name of any member of the student’s family;

(c) The address of the student or any member of the student’s family;

(d) A personal identifier such as a social security number or student number;

(e) A description of one or more personal characteristics that would render the student’s identity easily traceable; or

(f) Other information that would render the student’s identity easily traceable.

1.10 **School official with a legitimate educational interest.** Any employee or contractor of:

(a) the district,

(b) the Montgomery County Intermediate Unit,

(c) a vocational technical school, or

(d) any public or private school or facility that the district is using or is proposing to use to provide elementary or secondary education to the student in place of a public school, who is or will be responsible for providing or supervising the provision of education, education-related services, or extra-curricular activities or experiences to or for the student, when:

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(1) particular information concerning that student is presently or potentially relevant to the provision of such education, education-related services, or extracurricular activities or experiences, or

(2) when such information is necessary to protect the health, safety, or welfare of other students with whom the student might have contact.

The phrase also applies to clerical staff of the agencies enumerated above who are responsible for the maintenance and security of education records and to attorneys, consultants, and school board members when school board action concerning the student is required by law or when the education or treatment of the student is the subject of present or potential litigation or legal dispute.

1.11 **Secure file.** A student or subject-specific compilation of information stored on paper, audio or visual tape, microfiche, microfilm, computer storage disk or removable drive, or similar medium that can be maintained in a physically segregated form that is maintained in a locked file drawer, cabinet, or desk or, if unlocked, in the immediate custody and control of the custodian thereof, or a student or subject-specific compilation maintained on a computer storage system to which access is limited by security software that conforms to current computer industry standards.

1.12 **Student with disabilities.** A student age three through twenty-one who has or is thought to have one or more of the disabilities described in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, any preceding or succeeding legislation, for which he or she is eligible or thought to be eligible for special education and related services.

### Collection

2.1 The District shall collect and maintain the types of records described in the following subparagraphs (a) through (c) and may collect and maintain records described in following subparagraphs (d) through (j):

(a) Core data, consisting of the name of the student; last known address and domicile within the district of the parents or guardian of the student or, if the student is emancipated, of the student; the birth date of the student; the course, subject area, or project work completed by the student and the level of achievement attained; the last grade attended or the date of graduation and type diploma issued; and attendance data;

(b) Discipline and law enforcement records, including the sworn statement or affirmation of suspension or expulsion required at registration and the record of incidents of violence maintained in a form prescribed by the Pennsylvania State Police as required under Section 1307-A of the Pennsylvania Public School Code, 24 P.S. § 13-1307-A, and, in a file maintained separately from other records concerning the student, information from the Office of Juvenile Probation concerning adjudications of delinquency;

(c) Health records, including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and drug dispensing or administration logs, and health-related information provided by parents or guardians;

(d) Student work samples and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of district-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the student participated; and non-cumulative report cards;

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- (e) Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in district-approved extracurricular activities;
- (f) Guidance department, psychologist, and student assistance team records, although personal records and notes maintained strictly in accordance with Section 1.3(a) of this policy are not considered records subject to this policy;
- (g) Results of vocational and career aptitude and interest surveys, or of surveys to assist in planning for and providing guidance, health, or drug and alcohol abuse prevention instruction or programs;
- (h) Reports of and other information describing or summarizing the results of individual testing and assessment by instructional support, child study, multi-disciplinary, or IEP teams, or by professional staff responsible for determining eligibility for Title I, ESL, and other remedial programs, or by agencies and individuals not employed by or working on behalf of the district; instructional support or child study team action plans; IEPs; and service agreements or accommodation plans;
- (i) Protocol sheets and booklets; scoring sheets; answer books; rating forms; observation notes; anecdotal logs; running record forms; and other forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment; and
- (j) Other records required by law or deemed by instructional or supervisory staff to be both accurate and necessary to the provision of education, education-related services, or extra-curricular activities or experiences.

2.2 By adoption of this policy, the district board of school directors gives consent for the collection of records and information described in subsections (a), (d), and (e) of section 2.1 of this policy.

2.3 By adoption of this policy, the district board of school directors gives consent for the collection of records and information described in subsections (b), (c), and (f) of section 2.1 of this policy, unless the collection of such records and information is accomplished by use of a survey, analysis, or evaluation that requires or encourages the student to reveal:

- (a) political affiliations or beliefs of the student or the student's family;
- (b) psychological problems potentially embarrassing to the student or the student's family;
- (c) sexual behavior or attitudes;
- (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- (e) critical appraisals of persons with whom the student has close family relationships;
- (f) information protected by legal privilege;
- (g) income, unless income information is necessary to determine eligibility for participation in a program of assistance;
- (h) religious practices, affiliations, or beliefs of the student or the student's family.

When a survey, analysis, or evaluation is used to obtain such information, the district shall obtain prior informed consent in writing and in a form consistent with section 2.6 of this policy. For purposes of this policy, the phrase "survey, analysis, or evaluation" shall be limited to a planned method of inquiry or information collection used on a group or individual basis. The phrase does not apply to the ordinary give-and-take exchange that occurs in the course of the counselor-student,

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psychologist-student, teacher-student, or nurse-student relationship when the student initiates the contact or otherwise participates in it voluntarily. Consent otherwise required by this section is not required to investigate or substantiate a good faith suspicion of child abuse or neglect when the person from whom consent would be required is suspected of the abuse or neglect.

2.4 To collect records and information described in subsection (g) of section 2.1 of this policy, the district shall obtain prior informed consent in writing and in a form consistent with section 2.6 of this policy.

2.5 To collect records and information described in subsections (h) and (i) of section 2.1 of this policy, other than reports and other documents provided by parents, the district shall obtain prior informed consent in writing and in a form required by applicable state or federal law or, in the absence of a specific applicable law, in a form consistent with section 2.6 of this policy. For purposes of collecting information in the form of an instructional support or child study team action plan, an IEP, or a service agreement or accommodation plan, a written invitation to the parents and, when required by law, the student to participate in the development of such document shall constitute an adequate means of obtaining consent to develop the document, even if the parents or student do not participate in the meeting at which the content of the document is discussed. The description in an action plan, IEP, or service agreement or accommodation plan of a means of data collection or ongoing progress monitoring or assessment shall suffice to allow such activities without need for additional written consent.

2.6 When state or federal law does not specifically prescribe the form for obtaining prior written consent as required by this policy, such consent shall be obtained by mailing to the residence of record, as established in accordance with section 4 of this policy, or by hand delivery to the parent or emancipated minor a written consent form that complies with the following requirements and is received a reasonable time prior to the information collection activity for which consent is sought:

- (a) The form shall use language that a layperson can readily understand and shall be written in the native language of the parent or emancipated minor from whom consent is sought;
- (b) The form shall contain an explanation of the type of information sought, the purpose for which the information is sought, and the specific types of testing, assessment, or data collection to be used to obtain the information;
- (c) The form shall make clear to the parent or emancipated minor that consent is required to proceed with the information collection activity or activities proposed, shall contain an assurance that such activity or activities will not proceed without consent, and shall contain a clear explanation of the time and place for responding to the form;
- (d) The form shall contain the name and number of a contact person whom the parents or emancipated minor can contact to obtain additional information about or seek clarification concerning the proposed activity;
- (e) The form shall provide a space for the parent or emancipated minor to elect whether to grant or withhold consent by marking one of two clearly-worded options and by signing their name.

2.7 When a student who has attended another Pennsylvania public or private school registers to attend public school in the district, the district shall immediately request a certified copy of the student's disciplinary record and a copy of the student's health record from the public or private school the student last attended.

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Maintenance—Time

2.8 Core data of the kind described in subsection (a) of section 2.1 of this policy shall be maintained for a period of six years beyond the 1) the date on which the student graduated with a standards-based diploma, 2) the last date of the school term during which the student attained age twenty-one or, if the student attained age twenty-one between terms, the student's twenty-first birthday or 3) the date on which the student's residency changed to another school district, whichever is soonest. The following additional records shall also be maintained as "core data" for this period:

(a) For students with disabilities or who are identified as mentally gifted, copies of the evaluation reports of the multi-disciplinary team, the notice of recommended assignment or similar document by which the parents of the student initially consented to the provision of special education or gifted services, and the IEPs or GIEPs developed for the student;

(b) For students receiving accommodations or modifications to instruction or other activities under a service agreement or accommodation plan, copies of the plans and the notice by which the parents of the student initially consented to the provision of accommodations or modifications;

(c) For students evaluated to determine eligibility either for special education services in accordance with state and federal law or for accommodations or modifications in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who were determined to be ineligible, copies of all evaluation reports supporting the determination of ineligibility and of all notices by which the parents of the student indicated agreement with such determination.

2.9 Health records of the sort described in subsection (c) of section 2.1 of this policy shall be maintained for a period of at least two years beyond the date on which the student ceases to be enrolled in the public schools of the district.

2.10 All other education records described in section 2.1 of this policy shall be maintained as long as the information contained therein remains relevant to the education of the particular student or to the design and provision of educational programs in general or as long as such information remains essential to the protection of the legal interests of the district. The district alone shall determine whether education records remain relevant to education or essential to the protection of legal interests.

Maintenance—Location

2.11 Education records that might be necessary to the provision of education, education-related services, or extracurricular activities or experiences to a student during any given school year shall be maintained during that school year in a secure file located in the building to which that student is assigned during that school year. Education records that are essential to the day-to-day provision of education, education-related services, or extracurricular activities or experiences may be maintained in a secure file in the personal possession, offices, or class rooms of school officials with a legitimate educational interest therein.

2.12 The discipline record of a student shall be maintained in a secure file in the building to which that student is currently assigned. Information furnished by the Office of Juvenile Probation in accordance with section 6341(b.1) of the Juvenile Act, 42 P.S. § 6341(b.1), shall be maintained in a secure file separately from other records concerning the student.

2.13 The health record of a student shall be maintained in a secure file in the nurse's office or health suite in the building to which that student is currently assigned or in the personal possession or office of the nurse assigned to that building.

2.14 Copies of a student's current IEP, most recent multi-disciplinary team evaluation report, current service agreement or accommodation plan, and instructional support or child study team data and action plan shall be maintained—

- (a) in a secure file in the building to which the student is currently assigned; and
- (b) in a secure file in the district office of special education, together with other special education records that remain relevant to the education of the particular child or the design and provision of educational programs in general or essential to the protection of the legal interests of the district.

Maintenance—Transfer and Conversion

2.15 When a student assignment changes from one building to another within the District the education records described in sections 2.11, 2.12, 2.13, and 2.14 of this policy, including the separately-maintained information from the Office of Juvenile Probation, shall be transferred to the new building in sufficient time to enable school officials with a legitimate educational interest to review such records, if necessary, prior to the arrival of the student in the new building or as soon as possible thereafter.

2.16 Nothing in this policy shall preclude the transfer or conversion of education records or information from one form or storage medium to another, as long as such transfer or conversion—

- (a) allows for similar accessibility of information to parents, eligible students, and school officials with a legitimate educational interest;
- (b) provides at least the level of security that could be obtained with physically locked conventional storage and, in the case of computer storage, conforms to the current standards established in the computer industry;
- (c) clearly reproduces educationally +  
or legally necessary graphic information, handwriting, and signatures; and
- (d) allows for the use of an access record in accordance with Section 2.17 of this policy.

2.17 Every file from which access might be had by, or disclosure might be made to, persons or agencies other than the parents, the eligible student, school officials with a legitimate educational interest, state or federal educational agency auditors, persons with written consent from the parent or eligible student, or persons seeking only directory information shall have as part thereof an access and disclosure log that consists of the following:

- (a) The identity of such person or agency to which access is granted to or disclosure made from the file;
- (b) The purpose for which access was granted or disclosure made;
- (c) The date of access or disclosure;
- (d) The name or initials of the person granting access or making the disclosure; and
- (e) In the case of disclosures to persons who will make further disclosures or allow further access on behalf of the district, the identity of the person or agency to whom or to which, and the specific purpose for which, such further disclosure or access will be made or allowed.

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Destruction

2.18 The district may destroy core data and health records once the applicable time period for maintenance of such records, as established in sections 2.8 and 2.9 respectively, has lapsed.

2.19 The district may destroy all other education records once it determines at its sole discretion that such records are no longer relevant to the education of the particular student or to the design and provision of educational programs in general or that such records are not essential to the protection of the legal interests of the district.

2.20 When the district determines that any portion of the education record of a student with disabilities, other than health records or core data, is or will be at a prescribed time no longer relevant to the education of the particular student, it shall so notify in writing either his or her parents or the student directly, if he or she is an eligible student, of this determination. The written notice shall be in the native language of the parents or the eligible student, shall be mailed to the last known address of the parent or the eligible student and shall—

- (a) identify the specific records or categories of record that are no longer relevant;
- (b) contain an explanation that the district shall destroy the records thus identified if a parent or the eligible student so requests and that the district may destroy such records without a request; and
- (c) contain the name and number of a contact person whom the parents or eligible student can contact to obtain additional information about or seek clarification concerning the records thus identified.

If the parent or eligible student so requests in writing after receipt of the notice, the district shall destroy the education records thus identified or shall destroy them at the prescribed time at which they are no longer relevant.

2.21 A record is “destroyed” for purposes of this policy when, at a minimum, all personally identifiable information is removed from it or is otherwise obscured or obliterated. Nothing in this policy shall require the destruction of an education record except under the conditions described in section 2.20 of this policy.

2.22 The district shall not destroy any record that is the subject of a request for access from a parent or eligible student.

Amendment of Records and Due Process

3.1 A parent or eligible student may request in writing that the district amend any portion of an education record that he or she believes is inaccurate, misleading, or in violation of the student’s right to privacy. If a parent or eligible student makes such a request verbally, the person to whom such request is made shall inform the parent of the obligation to make such request in writing.

3.2 Within thirty school days of the receipt of the written request to amend the education record, the administrator who is primarily responsible for maintenance of the challenged record shall notify the parent or eligible student in writing of whether the district will amend the record. If the district determines that it will grant the request to amend, the notice to the parent or eligible student shall either describe the amendment, which can include the expungement or deletion of records or information contained therein, or enclose a copy of the amended record. If the district determines that it will not amend the record, the notice shall so inform the parent or eligible student and shall contain a statement explaining that the parent or eligible student has the right to request in writing a hearing before a disinterested school official to challenge the determination not to amend.



3.3 Within ten school days of receipt of a request for a hearing to challenge a determination not to amend an education record, the district shall notify the parents or eligible student of the date, time, and location of the hearing. The notice shall be mailed certified, return receipt requested, or by similarly secure and verifiable means, in such time that the parent or eligible student receives it at least five school days before the hearing. The hearing shall occur within thirty days of receipt of the request for the hearing from the parent or eligible student.

3.4 The hearing shall be held before the superintendent or his or her designee or, if the superintendent or the designee has a direct interest in the outcome of the hearing, before the principal of the building to which the student is currently assigned or his or her designee.

3.5 The hearing shall be informal, unrecorded, and not subject to formal rules of evidence or procedure other than those required to maintain order. The parent or eligible student shall have a full and fair opportunity to present evidence in support of his or her position and may be represented at his or her expense by an adviser, including an attorney.

3.6 Within thirty days of the completion of the hearing, the district shall issue to the parent or eligible student a written decision concerning the amendment of the record that shall either—

(a) describe the amendment, which can include the expungement or deletion of records or information contained therein, or

(b) explain the reasons for denying the request to amend and inform the parent or eligible student of the right to place a statement in the education record of the student commenting on the contested information in the record or explaining why he or she disagrees with the decision not to amend, or both.

The written decision shall be based solely on the evidence presented at the hearing and shall summarize the evidence thus presented and the reasons for the decision to amend or refuse amendment.

3.7 If the parent or eligible student chooses to submit a statement in the education record of the student commenting on the contested information in the record or explaining why he or she disagrees with the decision not to amend, the district shall—

(a) maintain such statement as part of the record for as long as the district maintains the contested record or information; and

(b) disclose the statement whenever it discloses that portion of the record to which the statement pertains.

### Access

4.1 The district shall allow the parents or eligible student to inspect and review the education record of the student within forty-five calendar days of receipt of a verbal or written request to do so. District staff shall make every reasonable effort to ensure that requested records are provided to the parents at the earliest possible date.

4.2 The district shall respond to all reasonable requests from the parents or eligible student for an explanation or interpretation of information contained in the education record.

4.3 If circumstances effectively preclude the parents or eligible student from inspecting or reviewing the education record, or any portion thereof, the district shall provide the parents or the eligible student with a copy of the record subject to the request. When copies are not required to ensure that the parents or the eligible student has the opportunity to inspect and review the education record, the district may charge a fee of ten cents per page to copy requested portions of the education record, unless the parents or the eligible student can

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establish that they are unable to pay the amount thus charged.

4.4 When the district receives a request to inspect and review the education record of a student with disabilities in anticipation of a meeting of the IEP or multi-disciplinary team or a due process hearing, the district shall respond to such request within a reasonable time prior to the meeting or hearing, the time allowed by section 4.1 of this policy notwithstanding.

4.5 When parents or an eligible student seek to inspect and review a record that contains personally identifiable information concerning more than one student, the district shall provide access only to that portion of the record that pertains to the student in question.

4.6 School officials with a legitimate educational interest may at any time inspect and review, and obtain copies of, the education record and personally identifiable information in which they have such interest.

#### Disclosure

4.7 Any disclosure of personally identifiable information concerning a student to any person other than the parent, the eligible student, or school officials with a legitimate educational interest shall require the prior written consent of the parent or the eligible student. Any document providing such consent shall—

- (a) identify the particular portions of the education record or the particular information or types of information concerning the student that shall be disclosed;
- (b) identify the person or agency to whom or to which disclosure will be made; and
- (c) contain the signature of at least one parent or the eligible student.

4.8 Prior written consent from the parent or the eligible student is not required when the disclosure of education records or information is to one of the following persons or agencies under the following circumstances:

- (a) To an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records, as long as:
  - (1) the parent or eligible student is provided on request with a copy of the records thus disclosed; and
  - (2) the parent or eligible student is afforded on request a hearing as described in Section 3 of this policy;
- (b) To appropriate parties in connection with a health or safety emergency, when such disclosure is necessary to protect the health or safety of the student or others;
- (c) To state and federal educational and other agencies for purposes of investigation and auditing, when those agencies are bound by the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;
- (d) To persons seeking directory information, when:
  - (1) parents and eligible students have received notice in the form of the annual publication of this policy in a newspaper of general distribution or a school publication of the policy of the district to disclose directory information without parental consent; and
  - (2) the parent or the eligible student objecting to the release of such information without consent has not notified the district in writing on or before the first day of

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the school term that they object to the disclosure of some or all of the information designated in section 1.1 of this policy as “directory information”;

- (e) To the student who is not an eligible student;
- (f) To the parents of an eligible student who remains a “dependent student” as defined in the Internal Revenue Code;
- (g) To accrediting organizations to carry out their accrediting functions;
- (h) To comply with the terms of a judicial order or lawfully-issued subpoena, when the district has made reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, unless the terms of a judicial order bar such notification;
- (i) To a court or administrative hearing officer in the context of litigation between the district and the parents or the eligible student, when the information disclosed is relevant to the action or proceeding and when the district has made reasonable effort to notify the parent or eligible student of the intent to disclose such information;
- (j) To armed forces recruiters seeking such information, a list of the names, addresses, and, if available, telephone numbers of all students expected to graduate high school at the end of the school term during which, or in anticipation of which, such request is made, provided, however, that such disclosure shall be subject to the limitations established by law and this policy upon the disclosure of directory information;
- (k) Under such additional circumstances and to such additional persons and agencies as are permitted by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation.

#### Miscellaneous Provisions

5.1 The policy of the district is to comply in full with the requirement of state and federal law governing the maintenance of records and other personally identifiable information and the privacy rights of students and their families. To the extent that any provision of this policy is construed as or found to be inconsistent with federal or state law, the district will treat that provision as null and void.

5.2 The district shall send or deliver all notices and requests for consent required under this policy to the address identified as the residence of the child in the registration information maintained by the district. Unless it receives specific written information to the contrary, the district shall presume that all persons with authority to make educational decisions for the student have received or had the opportunity to review and respond to notices and requests sent or delivered to such address. The district will send notices and requests to separate addresses only when—

- (a) A person with joint authority to make educational decisions for the student, such as a divorced or separated natural parent or guardian, resides at that separate address; and
- (b) That person notifies the district in writing that he or she is not receiving or has not had the opportunity to review and respond to notices and requests sent to the residence to which the student is registered.

5.3 This policy replaces policy #5125.1 and 5125.2, originally adopted in 1979.

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Public Notice

6.1 Annually, at least thirty days prior to the beginning of the school term, the district shall publish to all parents of students currently in attendance and to all eligible students currently in attendance a complete copy of this policy in English and Spanish. The following notice shall precede the text of this policy and shall appear with the heading in boldface type or other similarly conspicuous format:

**NOTICE OF IMPORTANT RIGHTS**

Concerning the Maintenance, Access to, and Amendment and Disclosure of Education Records by the North Penn School District

Printed above is the full text of the Education Records Policy of the North Penn School District. This policy contains information of importance to students attending public schools and public school sponsored programs. Several provisions of this policy warrant careful attention:

Designation of certain records containing personally identifiable information as “directory information.” In section 1.1 of this policy, the district designates certain kinds of information as “directory information.” The district will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. If you do not want the district to disclose such information, you must so notify the district in writing on or before the first day of the school term. Your written notice must identify the specific types of directory information that you do not want the district to disclose without consent. If you fail to notify us in writing by the first day of the school term, we may release directory information upon request and without consent.

Disclosure of records containing personally identifiable information to other schools and institutions. section 4.8(a) of this policy allows the district to disclose personally identifiable information concerning a student to an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records.

Access to records by school officials with a “legitimate educational interest.” section 4.6 of this policy allows school officials with a legitimate educational interest to have access to personally identifiable information without parent or student consent. In section 1.8 of this policy, the district designates those persons who have a “legitimate educational interest” that would allow such access to education records.

Amendment of education records. section 3 of this policy describes how a parent or a student who has attained the age of 18 can request that records be amended. This section also describes in detail the right of the parent or eligible student to request a hearing to challenge a decision by the district not to amend records that the parent or student believes are inaccurate, misleading, or in violation of the student’s right to privacy.

Complaints to the United States Department of Education. Complaints concerning alleged failure of the district to comply with the requirements of the Family Educational Rights and Privacy Act may be addressed to the United States Department of Education as follows:

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Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

RESIDENTS OF THE NORTH PENN SCHOOL DISTRICT WITH CHILDREN IN PUBLIC SCHOOL OR WHO ATTENDED PUBLIC SCHOOL IN THE DISTRICT IN THE PAST SHOULD READ THIS POLICY CAREFULLY FOR A FULL EXPLANATION OF THEIR PRIVACY RIGHTS AS A PARENTS OR STUDENTS.

Policy:

Adopted: November 15, 2007

**Amended: June 20, 2013**

POLICY 5125  
6/21/13 srk