



**SECTION: STUDENTS**

**POLICY: 216.1**

**TITLE: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

**ORIGINAL: October 23, 2017**

**CURRENT REVISION: April 5, 2021**

**LAST REVIEWED BY THE COMMITTEE:**

## **I. PURPOSE**

Wissahickon School District recognizes its responsibility for the collection, retention, disclosure and protection of student records. The Board 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**

- A. **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.
- B. **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.
  - a. **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.
  - b. **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.
- C. **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.
- D. **Education records** - records that are directly related to a student, maintained by the school district or by a party acting for the school district. The term does 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 another individual except a temporary substitute for the maker of the record.

- b. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of law and regulations.
  - c. 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.
  - d. Grades on peer-graded papers before they are collected and recorded by a teacher.
  - e. Other records specifically excluded from the definition of education record under the Family Educational Rights and Privacy Act, and implementing regulations.
- E. **Eligible student** - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. All rights accorded to and consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the eligible student. In cases where an eligible student is dependent upon the parent/guardian as defined in Section 152 of the Internal Revenue Code, the district shall make the education records accessible to the parent/guardian of said student.
- F. **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/guardian 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.
- G. **Personally identifiable information** - includes, but is not limited to:
- a. The name of a student, the student's parents/guardians or other family members.
  - b. The address of the student or student's family.
  - c. A personal identifier, such as the student's social security number, student number, or biometric record.
  - d. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
  - e. 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.
  - f. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.
- H. **Student** - includes any individual who is or has attended at the district and regarding whom the district maintains education records.

### III. POLICY

- A. The Board shall adopt a comprehensive plan for the collection, maintenance and dissemination of student education records that complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the District and revised as required by changes in federal or state law and regulations.
- B. Copies of the student records plan shall be submitted to the Department of Education, upon request.

### IV. DELEGATION OF AUTHORITY

- A. The Superintendent or designee, in consultation with District staff, shall be responsible for developing, implementing, and monitoring the student records plan.

- B. All District personnel having access to student education records shall receive periodic training in the requirements of Board policy, student records plan, and applicable federal and state laws and regulations.
- C. Each District teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.

**V. REFERENCES**

24 P.S. 1305-A  
24 P.S. 1306-A  
24 P.S. 1402  
24 P.S. 1409  
24 P.S. 1532  
24 P.S. 1533  
22 PA Code 12.31  
22 PA Code 12.32  
22 PA Code 15.9  
22 PA Code 4.52  
20 U.S.C. 1232g  
34 CFR Part 300  
34 CFR Part 99  
34 CFR 99.3  
34 CFR 99.5  
34 CFR 99.4  
34 CFR 99.7  
34 CFR 99.10  
34 CFR 99.11  
34 CFR 99.12  
34 CFR 99.20  
34 CFR 99.21  
34 CFR 99.22  
34 CFR 99.37  
34 CFR 99.30-99.39  
34 CFR 99.31  
34 CFR 99.32  
35 P.S. 450.403-A  
35 P.S. 450.404-A  
23 Pa. C.S.A. 5336  
35 P.S. 450.401 et seq  
22 PA Code 16.65