

## **Student Records**

### **Family Educational Rights and Privacy Act (FERPA)**

#### **1. Purpose**

The educational interests of the pupil and of society require the collection, retention, and use of information about individual pupils and groups of pupils. The welfare and progress of pupils is inextricably related to the maintenance of a thorough and efficient system of public schools; the latter cannot be achieved nor assessed in the absence of appropriate information about the former.

It is no less the interest of society to protect the right of each of its members against an unwarranted invasion of privacy. The primary purpose of pupil record keeping shall be the educational welfare and advancement of the pupil.

#### **2. Authority**

##### **P.L. 98-380**

Pursuant to the P.L. 98-380, cumulative files are intended to provide information which can be used to develop the best possible educational program for each student. A well developed file contains information useful for counseling, individual instructional program design, recommendations as to advanced study, job placement, and a variety of similar purposes. Information typically includes: identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

Information subject to change which should not be permanently recorded in the student's permanent record file may be recorded in a temporary file, which should be destroyed shortly after the student leaves the school.

A parent or legal guardian is entitled to inspect the student record file and not merely to have items selected and read by school officials. At the time of such inspection, it is advisable that appropriate school personnel be present to prevent misinterpretations of the record and to answer questions.

All records should be open to challenge by the student and/or his/her parent or legal guardian, but his right of question does not, per se, imply an obligation upon school personnel to make changes in the records.

#### **Data Collection**

The school may collect data pertinent to educational purposes by entering information from the following on cumulative record folders without the prior informed consent of parents: identifying data, academic work completed, level of achievement, grades, attendance data, scores on group or individual standardized intelligence, achievement, aptitude, psychological, sociometric, or interest inventory tests, health data, family background information, teacher, counselor or other school personnel ratings and observations, and verified reports of serious or recurrent behavior patterns.

The prior informed consent of parents must be obtained before information not specifically listed above is entered in the school cumulative record folder. Obtaining the prior informed consent of parents before unverified data is entered on the cumulative record is mandatory. In all cases where prior consent is to be obtained, it must be in writing, in any form deemed applicable to a school's needs.

Material needed as memory aids in working with pupils should not be entered on the cumulative folder and does not become part of the official record. It should be destroyed after the usefulness of such information is ended and, in any case, destroyed within one year after a student either graduates or leaves school for any reason.

### **Access to Student Cumulative Records**

Any parent or legal guardian of any child enrolled in a public school of the State has the right to inspect and review any and all official records, files, and data directly relating to that child, including all material entered on the child's official cumulative record folder. The opportunity to review a folder may be granted at any time upon a parent's or guardians verbal or written request, but in no case shall more than five school days elapse after the request is made and the physical review granted. School officials, including teachers, have the right to inspect and review a child's records for legitimate educational purposes provided they follow appropriate procedures for identifying both themselves and their reason for inspecting any or all cumulative records involved (see Student Folder Inspection Record form for proper procedure.)

Officials of other schools or school systems in which a student intends to enroll may be sent a copy of that student's record, providing that a parent is notified of the transfer, either verbally or in writing, receives a copy of the record if desired, and has an opportunity for a hearing to challenge the content of a record. Copies of a student's record may also be sent in connection with a student's application for, or receipt of, financial aid under the same procedures.

Copies of student records may be inspected and reviewed by State education personnel, by authorized representatives of the Comptroller General of the United States or by United States Office of Education employees as defined by Public Law 93-380.

Written consent must be obtained from a student's parent or legal guardian to release records to agencies, institutions, businesses, or individuals not specifically mentioned in the preceding paragraphs. Such consent shall be made on the form, "Permission for Release of School Information," furnished for that purpose. A copy of the information furnished must be released to the student's parent or guardian, if requested.

Cumulative record information must be furnished in compliance with a judicial order or pursuant to any lawfully issued subpoena, upon the condition that parents are notified in advance, verbally or in writing, of compliance with such orders or subpoenas.

### **The Right of Challenge**

A parent or legal guardian shall have an opportunity for a hearing to challenge the content of a child's school records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Any hearings afforded under this

regulation shall involve the appropriate procedures and school personnel to adequately answer all parents' questions as to their child's records.

The hearing with the parent will be held at the school where the records being challenged are located. This hearing will include all appropriate school personnel and the child's parents... The local school principal will determine who will be needed in the way of school personnel. The date of the hearing will be set by the local school principal and will be set within twenty (20) school days of the parent's written request for the hearing.

### **Age of Majority**

For the purposes of the regulations, whenever a student has attained eighteen (18) years of age, or is attending an institution of post-secondary education, the permission or consent required, and the rights accorded to the parents of the student, shall thereafter only be required of, and accorded to, the student.

### **Forms**

The "**Student Folder Inspection Record**" is to be permanently kept with the file of a student, with all inspection and review transactions recorded in the spaces provided.

The "**Permission for Release of School Information**" form is to be used in all cases requiring parental permission for release of records.

### **Records in State Archives**

Records forwarded to the State Archives shall be subject to the same regulations as imposed upon schools in Delaware.

### **Informing Parents of Their Rights**

Pursuant to P.L. 93-380, parents of students (or the students, if they are eighteen (18) years of age or older) must be informed of the rights accorded them to inspect, review, and challenge entries made on the official records of the school. This may be done through an appropriate entry in a school handbook, a memorandum sent to parents, or through public news media procedures.

### **Responsibility for Collection, Maintenance, Dissemination and Notification Procedures**

The principal of each school is responsible for the administration of the provisions of P.L. 93-380. Under his/her direction, a clerk or secretary may perform the actual physical tasks associated with carrying out the procedures delineated in these guidelines.

### **Student Record System**

Under the coordination of the Head of School and Principal, each school shall establish a system of pupil records so that pertinent information on any student can be readily available. All student files should also be complete.

### **List of Names of Pupils**

No employee of the school district shall furnish list of names and addresses of pupils to anyone other than school officials. The Head of School may authorize the release of lists of names to local schools and colleges and other agencies, if in his/her judgment the students will receive merit or possible educational or care

**Cost of duplication of records**

The cost to duplicate all documents or records is .25 cents for each page plus \$60.00 per hour pro-rated on an actual time basis. A minimum of 15 minutes will be charged for labor of school employees to copy any record or document. The minimum of \$15.00 will be charged plus the cost per page of each document. This policy may be waived at the discretion of the Head of School due to nature of the request.

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