

Transfer of Records

24 P.S. §19-1926

DATE OF ISSUE: July 1, 2002

REPLACES: Transfer of Records, BEC 24 P.S. §19-1926, July 1, 1998

PURPOSE

Educational programs in state-operated institutions for delinquent youth operate *under the authority of* the Pennsylvania Department of Education and are considered to be public schools. Educational programs in state correctional institutions *are provided by* the Bureau of Correction Education in the Department of Corrections. That Bureau, defined as a "local educational agency" for purposes of providing educational services, functions as a public school district. The requirements of the School Code are applicable to the educational programs provided by the Department of Corrections for school-age inmates. The Department of Education is responsible for issuing a high school diploma when an individual has completed the required secondary school curriculum specified by the Department of Education. Educational programs for school-age youth confined to county jails are the responsibility of the local school district and are considered to be a public school.

These educational programs frequently experience significant delays in obtaining a student's education record from other public schools. In some cases, requests for records are not honored and records are not received.

Since these programs operate under the same conditions as public schools, it is imperative that a student's education record be transferred upon notification of the student's admission into the program. In fact, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 require schools to forward special education and disciplinary records, to the extent permitted by the Family Education Rights and Privacy Act, when they report crimes committed by students to the appropriate law enforcement and judicial authorities.

As with the transfer of records to other local educational agencies, a student's permanent education record may be released without the consent of parents or students. However, only particular types of information and data may be released.

CONTENTS OF THE PERMANENT RECORD

A student's permanent education record includes two types of information:

- official administrative records consisting of minimal identifying data, birth date, academic work completed, level of achievement as indicated by grades and standardized achievement test scores, and attendance data; and
- verified information of clear importance consisting of scores on standardized intelligence and aptitude tests, interest inventory results, health data, family background information, systematically gathered teacher or counselor ratings and observations and verified reports of serious or recurrent behavior patterns.

A student's permanent education record does *not* include potentially useful information which has not been verified or shown to be clearly needed beyond the immediate present. Examples include such as things as legal or clinical findings and unevaluated reports of teachers and counselors which may be necessary in ongoing investigations and disciplinary or counseling actions. Information gathered by a nonschool agency, such as a social caseworker report, also is not included in the student's record.

TRANSFER OF PERMANENT RECORDS

A student's permanent record may be transferred only to specified individuals or entities:

"officials of other primary or secondary school systems in which the student intends to transfer, the state superintendent or his officials and subordinates consistent with the superintendent's statutory powers and responsibilities, and school officials and teachers who specifically indicate a legitimate educational interest."

The school responsible for transferring a student's education record must inform parents of the transfer of the education record unless a parent requested the transfer or the school policy includes notice that records will be transferred to another school in which the student intends to enroll. In addition, parents may receive, upon request, a copy of the education record and also must be provided an opportunity to seek to amend the education record.

All public school entities are encouraged to transfer in a timely fashion the education record of both regular and special education students who are sent to state correctional facilities, county jails, and state-operated institutions for delinquent youth. It is reasonable to expect that such requests for records should be honored within ten business days.

It is essential that these records be available as soon as possible so that the student may be appropriately placed in an educational program. The absence of a student's education record upon admission into an institution may lead to duplicate assessments and resulting expense (which in the case of county prisons may be charged back to the resident district) or inappropriate placement of the student, both of which may be costly in terms of unnecessary duplication of efforts and the overall education of the youth.

REFERENCES:

Purdon's Statutes

[24 P.S. §19-1926](#)

[24 P.S. §13-1305-A](#)

[24 P.S. §13-1306.2](#)

State Board of Education Regulations

[22 Pa. Code §12.31](#)

[22 Pa. Code §12.32](#)

[22 Pa. Code §12.33](#)

Federal Statutes

[20 U.S.C. §1232g](#)

20 U.S.C. §1415(k)(9)(B)

Federal Regulations

[34 CFR §99.34](#)

34 CFR §99.31(a)(5)(i)(B)

34 CFR §99.31(a)(2)

34 CFR §99.36(b)

34 CFR §99.38

34 CFR §300.529(b)

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