

# Maintenance and Transfer of Student Assistance Program (SAP) Records

Prepared by the PA Department of Education  
Commonwealth Student Assistance Program (SAP) Interagency Committee  
Departments of Education, Health, and Public Welfare

## INTRODUCTION

The Commonwealth SAP Interagency Committee's Network for Student Assistance Services prepared this document to clarify frequently asked questions about the maintenance, use, and transfer of SAP records. SAP records are educational records and should be maintained in accordance with Pennsylvania School Code [22 Pa. Code Chapter 12 – Students. Pupil Records §12.31–12.33] and district/school policies and procedures related to student records. They must also adhere to regulations listed in the Family Education Rights and Privacy Act (FERPA) [20 U.S.C. §1232g] and the Protection of Pupil Rights Amendment (PPRA) [20 U.S.C. §1232h].

## OVERVIEW

A referral begins the data collection process that becomes part of a student's records. Category A, B, or C data are based on the following [PA School Code Chapter 12. Student Rights and Responsibilities 022 Pa. Code §12.33. Guidance]:

2.1. *Category “A” Data:* Includes official administrative records that constitute the minimum personal data necessary for operation of the educational system. Specifically, we take this to mean identifying data (including names and address of parents or guardian), birth date, academic work completed, level of achievement (grades, standardized achievement test scores), and attendance data.

2.2. *Category “B” Data:* Includes verified information of clear importance, but not absolutely necessary to the school, over time, in helping the child or in protecting others. Specifically, scores on standardized intelligence and aptitude tests, interests inventory results, health data, family background information, systematically gathered teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns are included in this category.

2.3. *Category “C” Data:* Includes potentially useful information but not yet verified or clearly needed beyond the immediate present; for example, legal or clinical findings including certain personality test results, and unevaluated reports of teachers, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions.

## **MAINTENANCE OF SAP RECORDS**

Student Assistance Program (SAP) records (“SAP records”) should be kept in a secure location, such as in a filing cabinet in a records room at a school or on a permanent secure database by a single central custodian, such as a registrar. Generally, a school shall not disclose information of SAP records without a prior signed written consent from a parent or an eligible student. The written consent must include the statement of SAP records that may be disclosed, the purpose of the disclosure, identification of the parties to whom the disclosure may be made. A school may only disclose SAP records in accordance with the scope of the written consent.

Under limited circumstances, a school may release SAP records without a prior written consent from a parent or an eligible student. The followings are the permitted disclosures without the prior consent (a complete list of exceptions can be found at 34 C.F.R. 99.31.):

- 1) When the disclosure is made to other school officials, including teachers, within the same educational agency or institution if the agency or institution determines that the official has a legitimate educational interest in possessing knowledge of the records of the student;
- 2) When the disclosure is made to school officials of another school, school system, or institution where the student intends to enroll;
- 3) When the disclosing information is “directory” information, but only when the parent or eligible student is given a reasonable time to oppose the disclosure after his/her receipt of notice from the school; and
- 4) When the disclosure is to appropriate officials in cases of health and safety emergencies.

In any event, every access to SAP records should follow written procedures and a school must keep accurate access records which indicate which individuals, agencies or organizations obtained access to the SAP records with dates, their purposes of the access and their legitimate interests in obtaining the records of the student. Generally the parties to whom the information is disclosed shall not disclose the information to any other party without a prior consent of parents or eligible students.

In addition, a “letter of agreement” between school districts and provider agencies should allow for the SAP liaison to have access to the student records upon written consent of the parent. Any student information that the SAP liaison maintains should be kept as memory aids. Official assessment and/or screening information obtained by a SAP liaison or agency personnel should be maintained by the provider agency office.

## **PARENTAL RIGHT TO ACCESS STUDENT RECORDS**

In any event, unless a child is an eligible student, a parent has certain rights in regard to his/her educational records. A parent (or an eligible student) has a right to access the student’s SAP records maintained by a school, and to inspect and review the records and to request the school to amend the records. A parent (or an eligible student) also has a right to inspect the access records of the student’s SAP records.

## **TRANSFER OF RECORDS**

As an exception to the above-mentioned prior consent rule, a student's SAP record may be disclosed to other school officials within the same school district without the prior written consent as long as the parties to which the records were disclosed have legitimate educational interests in such particular records. Also, when a student seeks or intends to transfer to another school outside of the student's original school district, the information of the student's SAP records may be transferred and disclosed to the officials of another school. Further, the school from which the student transfers must 1) make reasonable attempt to notify the parents or eligible students at their last known addresses, and 2) upon requests from the parents or eligible students, give them a copy of the records and opportunities for a hearing. SAP records may be included as part of the overall student records sent to another school entities.

## **NOTICE REQUIREMENT**

A school must annually notify parents or eligible students of their FERPA rights including the procedures parents or eligible students should follow to seek access to the student's SAP records. Although the determination of existence of a legitimate educational interest is within the agency's or institution's discretion, the annual notice should also include a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

## **CONTENTS OF SAP RECORD**

When in doubt about what should be placed in a student's SAP record, consider the following suggestions (this list is not all inclusive):

- Referral form with reason for referral (should only include observable behaviors, not opinion and hearsay)
- Date and SAP team action
- Date and outcome of parental contacts
- All teacher checklists
- Parent permission form
- Documentation of parent refusal
- Date and SAP team action following parent permission
- Date of assessment and who did it
- Follow-up action taken by SAP team
- SAP Student Reporting Form (PDE 4092)

### **References:**

- U.S. Department of Education FERPA/PPRA Guidance to Schools, November 2005
- 22 Pa. Code, Chapter 12 §12.1 – 12.42

**Commonwealth SAP Interagency Committee**  
**PA Departments of Education, Health, and Public Welfare**  
**[www.sap.state.pa.us](http://www.sap.state.pa.us)**  
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