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The Ohio State University, Ph.D., 1974
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A SURVEY OF OHIO SCHOOL DISTRICTS
TO ASSESS LOCAL PRACTICES
REGARDING THE COLLECTION, MAINTENANCE & RELEASE
OF STUDENT RECORDS

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
Reginald C. Blue, B.A., M.A.

* * * * *

The Ohio State University
1974

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To my
Mother, Father and Brother
Whose gentle urgings made it possible,

Thanks
I have been aided enormously by many people. To each of those persons who took time from their own busy schedules to assist me at many points in the manuscript's development, I am deeply indebted. Although their number is too great to permit acknowledging their contributions individually, I wish to especially thank my following colleagues:

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CHAPTER I

INTRODUCTION TO THE PROBLEM

The increasing complexities of society have caused the parental control of a child's education to be superseded by the demands of society. The major purpose of this concept is to "insure" the well-being, safety and general benefit of society. Inasmuch as school attendance is compulsory, school personnel have theoretically sought to achieve the certitude of developing each child to his maximum potential. To better effect this end, school boards have engaged in extensive and complex record-keeping. Historically, prior to 1925 school records were seldom more than chronicles of attendance. However, after the National Education Association issued its 1925 report on school records, school boards began expanding attendance records to include cumulative achievement, health, guidance and teacher reports and the results of psychological testing. Gradually these distended dossiers also became repositories for information of an increasingly personal nature.

State and municipal statutes give school personnel wide discretionary power and make it possible for schools to collect any kind of information they want about pupils. With computer technology, school record-keeping efficiency is enormously increased. Large amounts of
information can be recorded, maintained permanently in a central location, retrieved rapidly, and communicated widely and instantly. Now that there is a possibility that school records will become universally computerized during the 1970's, school boards must ask or be asked a number of difficult questions:

1. What kinds of information about pupils should be maintained in schools? For how long?

2. To whom should pupils' records be released?

3. To whom must pupils' records be released?

4. How much of this information can be released without invading the student's privacy?

5. What are the limits of liability for releasing the pupils' records?

Inasmuch as the United States Supreme Court has stated that it can hardly be argued that students shed their constitutional rights at the school house gate (Tinker v. Des Moines School District), a logical starting point in answering the above questions would be a review of the Fourth Amendment to the Constitution. This amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In Mapp v. Ohio the limitations that the Fourth Amendment placed against the federal government were made applicable to the states through the Fourteenth Amendment. In a previous case, the courts
had ruled that the rights of students were protected "against the State itself and all its creatures---Board of Education not excepted. . ." (West Virginia State Board of Education v. Barnett).

THE PROBLEM

Statement of the problem. If for no other reason, the exigencies imposed by our increasingly sophisticated technological economy have compelled the field of education to broaden its objectives and become accountable for the teacher-student learning experience. Consequently, capabilities must be identified, the development of ability must be promoted and deficits (academic or personal) which impair a student's educational career must be neutralized and/or remedied. Accordingly, schools are forced to pursue additional knowledge about students, and data of nearly every conceivable variety are retained. Although the schools need or right to collect some types of student information is unassailable, the intrusive capacity of unrelenting student data collection intimidates the quality of private life. The cumulative nature of school record-keeping systems makes accuracy in recording student information paramount, in that this system represents a student's "permanent" link with his academic past. Not only is the information contained in students' cumulative folders used to facilitate the educational process, but it is also the foundation on which prospective employers, colleges and universities and the like make decisions which directly affect the future of the student in question. Whenever information acquired essentially to design appropriate scholastic programs
is made available to private individuals, public agencies or investigatory bodies, without subpoena or the student's or his legal guardian's consent, the basic purpose for acquiring the information is compromised.

Education is a function of the state and although locally operated, public education is undeniably managed by the state legislature. While this governing body has seen fit to codify an abundance of ordinances relative to the record-keeping practices of state, county and municipal agencies, only five statutes in the Ohio Revised Code (ORC) are germane to the accumulation and maintenance of student records. Ohio school authorities validly exercise their statutory duties in accordance with the following sections of the ORC:

3315.5 Boards of education and boards of health making tests for determining defects in hearing and vision in school children shall keep an accurate record of such tests and of measures taken to correct such hearing and visual defects. This record shall be kept on a form to be prescribed and furnished or approved by the director of health. Statistical data from such records shall be made available to official state and local health, education, and welfare departments and agencies. Individual records shall be made available to such departments and agencies only in cases where there is evidence that no measures have been taken to correct defects determined by such tests, provided that such records shall be made available to school authorities where they are deemed essential in establishing special education facilities for children with hearing and visual defects.

3317.021 A membership record shall be kept by grades in each school district which shall show the following information for each pupil enrolled: Name, date of birth, name of parent, date entered school, date withdrawn from school, days present, days absent, and the number of days school was open for instruction while the pupil was enrolled. This membership record shall also show any other information prescribed by the state board of education.

This membership record shall be kept intact for at least five years and shall be made available to the state board of education or its representative...
Boards of education shall require all teachers and superintendents to keep the school records and to prepare reports in such manner as to enable the preparation of the annual reports required by law. The records of each school, in addition to all other requirements, shall be so kept as to exhibit the names of all pupils enrolled therein, the studies pursued, the character of the work done and the standing of each pupil; and these records shall be as nearly uniform throughout the state as practicable.

The superintendent of public instruction shall keep a record of the names of all children so determined to be incapable of profiting substantially by further instruction and a like record of all such children residing in any school district shall be kept by the superintendent of schools of such district. Upon request of the parents, guardians, or persons having the care of such child whose residence has been changed to another school district the superintendent of schools shall forward a card showing the status of such child as so determined to the superintendent of school of the district to which the child had been moved.

The principal or teacher in charge of any public, private, or parochial school, shall report to the clerk of the board of education of the city, exempted village, or local school district in which the school is situated, the names, ages and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said clerk requires to facilitate the carrying out of the laws relating to compulsory education and the employment of minors.

Inasmuch as school officials are legally bound by the ORC to collect the above specified data and because schools are a function of the state, other statutes found in the ORC become applicable to school record-keeping practices while concurrently increasing their parameters. These statutes are as follows:

The head of each department, office, institution, board, commission, or other state agency shall cause to be made and preserved only such records as are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities.

Records in the custody of each agency shall be retained
for time periods in accordance with law establishing specific retention periods, and in accordance with retention periods of disposition instructions established by the state records commission.

149.351 All records as defined in section 149.40 of the Revised Code and required by section 121.21 of the Revised Code are the property of the agency concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law...  

149.40 Any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political sub-divisions which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office, is a record within the meaning of sections 149.31 to 149.44 inclusive, of the Revised Code.

149.43 As used in this section, 'public record' means any record required to be kept by any governmental unit, including, but not limited to, state, county, city, village, township, and school district units, except records pertaining to physical or psychiatric examinations, adoptions, probation, and parole proceedings, and records the release of which is prohibited by state or federal law.  

All public records shall be open at all reasonable times for inspection. Upon request, a person responsible for public records shall make copies available at cost, within a reasonable period of time.

149.99 Whoever violates section 149.43 or 149.351 of the Revised Code shall forfeit not more than one hundred dollars for each offense to the state. The attorney general shall collect the same by civil action.

In its attempt to more explicitly restrict school's record-keeping practices, in each of its Minimum Standards publications for elementary, junior and senior high schools, the state department of education has made additional references to what should be collected and who has access to such recorded information. These references are as follows:

**ELEMENTARY**

Standard Edb-401-04: (G) Each school shall keep records which will provide for the registration and attendance of pupils and shall maintain a current cumulative record for individual pu-
pils showing personal identification, academic progress, health information, and test results. (p. 10)

The school maintains a cumulative record for each pupil containing identifying data, assignment, progress information, attendance, and test scores. Provision is made for filing of supplementary data. These records are housed in such manner that they are easily accessible to all staff. The confidential nature of these records is recognized as classified information. (p. 94)

Standard EDb-401-02: (J) When a pupil transfers, within a school system or moves to a school outside of the school system, pertinent pupil information is forwarded to the principal of the receiving school. Office records of this nature are not released to parents and guardians.

A complete record stating academic progress, placement status, school adjustment, and information pertaining to health and immunization is forwarded to the receiving school when a child moves...

A standardized format for the transcript information is developed for use in the school system. Items make reference to: the level of school assignment, personal data, health information, standardized test results, academic progress, and attendance. Confidential child study information is not necessarily included for release.

JUNIOR HIGH SCHOOL

Standard EDb-405-01: (L) Each school shall provide for the efficient maintenance and filing of records and reports.

(1) Personnel records including cumulative files of pupils shall be maintained, conveniently located and made available to the certificated staff.

(2) A complete transcript of academic, health and immunization records shall accompany any assignment or transfer of a pupil to another school.

Standard EDb-405-03: (A.8) Valid objective information regarding pupil achievement, progress, development, and abilities, shall be obtained and utilized as a part of the instructional program. (p. 17)

(D) Each junior high school shall have up-to-date cumulative records of individual pupils showing personal data including health and immunization and a record of educational progress. (p. 17)

The attendance and registration record shall be set up by grades and shall show the following information for each pupil enrolled: name, date of birth, name of parent, date entered school, date withdrawn from school, days present, days absent, and grade. (Section 3317.021, Ohio Revised Code) (p. 33)

(E) Each junior high school shall maintain a continuing attendance check of each child enrolled.
HIGH SCHOOL
Standard EDb-403-03: (C) Valid and objective information regarding pupil achievement, progress, development and abilities, shall be obtained and used as a part of the instructional program.

(D) Each school shall keep records which will provide for the registration and attendance of pupils and shall maintain an up-to-date permanent cumulative record of individual pupils showing personal data and progress through school.

The attendance and registration record shall be set up by grades and shall show the following information for each pupil enrolled: name, date of birth, name of parent, date entered school, date withdrawn from school, days present, days absent, and grade. (Section 3317.021, Ohio Revised Code)

Without question, educators are ethically bound to assist each student in achieving his individual potential. Hence, concomitant to the requirements of the state, a student's cumulative folder exists to lend its navigational aspects to the planning of the student's educational career. It would seem that with the ordinances available, Ohio's student record-keeping practices would be uniform and precise. On the contrary, when construed by six-hundred and twenty-six (626) city, exempted village and local school districts, these statutes and state department of education guidelines have fostered a variegated panorama of student data collection practices.

In reviewing these regulations, it becomes obvious that they contribute to any antithetical student record-keeping practices which may exist in Ohio at least in the following areas:

1. Although quite specific in enumerating what data must be collected, the state legislators leave those verities which are requisite to expediting "the laws relating to compulsory education" up to the prudence of the clerk in each school district.

2. Besides being available to various superintendents, clerks,
principals, state and local health, education and welfare departments or state board of education or its representative for definite purposes, the various usages of student records are ill-defined.

3. Whereas the Revised Code is exact when it states who must keep student records and further disposes of the question of ownership of such records, in its only allusion to what should be done with these records, the ORC is singularly specific in its directive prohibiting the removal, destruction, mutilation, transfer, damage or disposal of agency records "whole or in part, except as provided by law."

4. While stating that student records must be kept, the only reference to an explicit retention period is that of "at least five years" which establishes only the minimum amount of time school records must be maintained. There is no reference to a method of record disposition.

5. There is no statutory provision nor is there a reference made to any method by which parents or students may challenge inaccurate information. Although student records are termed public and open to inspection by section 149.43 of the ORC, the state department of education's Elementary Standard EDb-401-02 categorically states that pertinent pupil information is not to be "released to parents and guardians." Further, there is no advertence at all to the availability of these records to the student himself.

6. There is no mention of parental and/or student consent before data are collected and/or released except in the case where there is a student who has been "determined to be incapable of profiting
substantially by further instruction. . ."

Importance of the study. The objective of this study is to provide an accurate and descriptive account of the record-keeping practices as they currently operate in Ohio schools. This is a prerequisite to any subsequent change in policies that may be developed and adopted based on an empirical characterization of patterns and pitfalls in Ohio school record-keeping practices. Therefore, the ultimate goal of this study is three-fold:

1. To provide a basic understanding of current Ohio school record-keeping processes and their social consequences.

2. To illuminate the legal ramifications of prevalent record-keeping practices.

3. To create an atmosphere conducive to the formulation of responsible state and district policies which reflect contemporary needs, individual district situations and future concerns.

Because of the relationship which exists between students and school personnel, the educational community cannot justify the abdication of its responsibility to protect the rights of those it serves. The amount and types of student information collected has enormously increased. Consequently, the potential harm which may be inflicted upon a student is amplified immeasurably. Not only does the student's cumulative record have a far reaching impact on his ability to succeed in school, but long after he or she has left school inquiries concerning his or her school behavior are answered by consulting the student's school record. For these reasons, students must be protected from the
evaluative statements of intemperate, uninformed or hostile school personnel. This study seeks to provide the research necessary to formulate record-keeping policies which reflect that delicate balance between the rights of students and the educational community's need to know.

DEFINITIONS OF TERMS USED

**Student record.** Any manner of recording information concerning a student that is retained to subjectively or objectively describe a student and is available for communication to others with the intent of making recommendations which facilitate administrative decisions. By definition, personal notes which are available only to their author are excluded.

**Right of privacy.** The right to be let alone, the right of a person to be free from unwarranted publicity. . . The right of an individual (or corporation) to withhold himself and his property from public scrutiny, if he so chooses (Black, 1968).

**Confidential communications.** These are certain classes of communications, passing between persons who stand in a confidential or fiduciary relation to each other, (or who, on account of their relative situation, are under a special duty of secrecy and fidelity,) which the law will not permit to be divulged, or allow them to be inquired into in a court of justice, for the sake of public policy and the good order of society (Black, 1968).

**Defamation.** The taking from one's reputation. The offense of injuring a person's character, fame, or reputation by false and ma-
licious statements. The term seems to include both libel and slander (Black, 1968).

**Libel.** . . . A method of defamation expressed by print, writing, pictures, or signs. . . In its most general sense any publication that is injurious to the reputation of another. . . (Black, 1968).

**Slander.** The speaking of base and defamatory words tending to prejudice another in his reputation, office, trade, business, or means of livelihood. . . Oral defamation; the speaking of false and malicious words concerning another, whereby injury results to his reputation. . . An essential element of 'slander' is that slanderous words spoken in presence of another than person slandered, and publication is always material and issuable fact in action for slander. . . (Black, 1968).
CHAPTER II

REVIEW OF THE LITERATURE

In addressing itself to the social significance regarding the posture schools should assume in our society, the U.S. Supreme Court has stated that

they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes (West Virginia State Board of Education v. Barnett).

That was thirty-one years ago. Yet, in spite of this pronouncement, students are still seeking those traditional American rights which are guaranteed in the Constitution but are summarily denied them by school authorities. Traditionally, school officials have determined administrative policy, the pursuance of which has encountered little interference from students and/or their parents. However, because the internal mechanisms of the educational profession have refused to embrace measures that observe and protect the dignity of the child, parents, of late, have pressed for agents to champion their causes against an institution designed to serve them---enter the ombudsman. To a much greater extent, the uncompromising stance of the educational community has forced many parents to seek redress through the judicial system. To the dismay of many
school officials, few court decisions have upheld the strict authori-
tarian or punitive administration of their duties. To the contrary, the
courts have ruled in favor of more humanistic treatment of students. A
concern which has been argued before the courts and has been receiving
increasing attention is that of student records.

Considering the complexities of society and the demands it im-
poses upon education, there is a market demand for student evaluation
and the collection of student data. Within the schools, record-keeping
has characteristically been a low-visability activity to which parents
and the courts have given little attention. However, the frequency
during the 1960's with which school districts denied parents access to
their child's records and the successful litigation these parents were
forced to institute have prompted numerous expressions of distress con-
cerning the administration of student records. Legitimate concerns
were voiced by a variety of professional organizations such as the
American Psychological Association, the Personnel and Guidance Asso-
ciation and the Russell Sage Foundation, to name only a few. The pro-
blem was studied extensively and three facts immediately were apparent.
First, school record-keeping practices were quite extensive; second,
school districts seldom had written policies concerning the collection,
maintenance or release of student records; and finally, although parents
were regularly denied access to pertinent school records, requests for
student information from outside agencies were readily honored without
consent of the parents. These observations led various professionals to
question the ethics of such practices and to reaffirm the necessity of
professional standards.

Administering school records without specific guidelines is inadvisable for at least two reasons. First, school districts are afforded virtually limitless discretion in determining the parameters and depths to which a student's cumulative record will explore his and his family's private life. Second, the conditions for the maintenance and release of student information continues to be left to the politics of school personnel. The dangers of misfeasance inspired by over-zealous information gathering in the schools cannot be stressed to excess. In this regard, any meaningful discussion of student record-keeping practices and their social consequences must effectively encompass the following three areas:

1. the right of privacy
2. the history and nature of student records
3. student records in common and statutory law.

LITERATURE ON THE RIGHT OF PRIVACY

Introduction. In offering a minority opinion in Griswold v. Connecticut, Justice Black reprimanded the majority for their discovery and application of a constitutional right of privacy. His efforts in the case had failed to unearth any authority prohibiting the enactment of any statute which might compromise the "privacy" of individuals. Had Justice Black surveyed state constitutions, he would have found them equally devoid of specific allusions to a "right of privacy."

In reference to its legal boundaries, privacy is an intricate and still evolving abstraction which has yet to be fully developed and clari-
fied. Nevertheless, in a survey conducted by Harris (1974), the individuals questioned expressed an awareness of the concept and indicated the following:

1. 75% favored legislation specifying the kinds of information various agencies might collect and include in their files.

2. 82% wanted the opportunity to review and correct inaccurate information.

3. 78% felt that individuals should be notified when unfavorable reports have been made and further the name of the agency making the report should be supplied.

4. 76% favored legislation governing the release of information.

5. 74% favored legislation with procedures addressed to information removal.

6. 71% felt that agencies collecting information about individuals should establish effective procedures to protect the privacy of individuals on whom they have collected information.

According to Ruebhausen and Brim (1965), the concept of privacy recognizes the freedom of the individual to select the time, circumstances and extent to which he wishes to share with or withhold from others his behavior, opinions, beliefs and/or attitudes. In order to grasp the intricacies of the concept, an abbreviated historical explanation is in order.

**History of the Right of Privacy.** Although Cooley (1888) proposed a "right to be let alone," this proposal did not receive specific expression until 1890. In that year, Samuel D. Warren and Louis D. Brandeis
published an article in the *Harvard Law Review* entitled "The Right to Privacy". Prior to this article, legal scholars seem to agree there was no common law precedent for granting relief based upon the invasion of the right of privacy. In their treatise, Messrs. Warren and Brandeis reviewed several cases in which relief had been afforded on the basis of defamation, invasion of some property right or breach of confidence or an implied contract. It was the authors' contention that these cases were in fact based upon a broader principle which was entitled to separate recognition, explicitly, the inviolability of an individual's privacy. It should be noted that the article's publication date deliberately coincides with the era of "yellow journalism". It seems that the impetus for the publication of the article was provided by an emotional upset owing to the press's public disclosure of truthful but private details of Warren's daughter's wedding. Regardless of the exposition's inspirational source, Prosser (1971) asserts that "no other tort has received such an outpouring of comment in advocacy of its bare existence."

As evidenced by several lower court decisions (*Manola v. Stevens; Mackenzie v. Soden Mineral Springs Company; Marks v. Jaffa; Schuyler v. Curtis*), it appeared that New York was going to be the first state to acknowledge and adopt the principle of the right of privacy. However, the first real test of the principle was a disappointment to its exponents. In *Roberson v. Rochester Folding Box Company*, the defendant admittedly made use of lithographs of a personable young lady without her consent or that of her parents. The defendant used the lithographs to promote its flour and displayed them with the legend "The Flour of the
Family". The New York Court of Appeals, by a four-to-three decision, rejected the Warren-Brandeis proposition and declared that the right of privacy did not exist. Concurrently, the court indicated that a suit based upon some other theory might have succeeded. The public disapproval of this decision resulted in the enactment of a statute by the New York state legislature in 1903. The statute made it both a tort and a misdemeanor to make use of the name, portrait or picture of any person for advertising purposes without the written consent of said person. Nonetheless, the decision rendered in Pavesich v. New England Life Insurance Company made Georgia the first state to specifically recognize the right of privacy by name.

It does not appear to have been an issue that the touchstone which synthesized the doctrine of a right to privacy and initiated a new field of jurisprudence was introduced by attorneys functioning in a law review rather than through their judicial craftsmanship. The appeal of their logic and persuasiveness is evidenced by the number of states (46) which today through some manner of means recognizes the right of privacy. This phenomenon further attests to the extent to which a legal periodical might influence American law.

In his Olmstead dissent in 1928, Supreme Court Justice Brandeis wrote "a principle to be vital must be capable of wider application than the mischief which gave it birth." In spite of his urging, the U.S. Supreme Court did not acknowledge the right of privacy as a principal of law until 1965. In Griswold v. Connecticut, the majority opinion was that while the right of privacy was not to be found in
any specific constitutional amendment, the "penumbra" afforded collectively by the First, Third, Fourth, Fifth and Ninth Amendments was sufficient. In dissenting, Justice Black insisted that only precise aspects of privacy under explicit circumstances were shielded by specific amendments. In attempting to explain the Supreme Court's majority position, Beany (1966) offers a presumptive interpretation. He states:

Apart from the warning of Madison and others that the enumeration of certain rights would tend to disparage claims to others, an argument rejected by those supporting a 'Bill of Rights,' it is hard to see how several of the specific rights can be given meaningful scope without necessarily safeguarding a right to privacy. . . . Why should his freedom to express his thoughts receive protection if his thoughts could be extracted from by the government? And why protect him in his home against arbitrary arrest and official searches if the government may use electronic or other scientific ways of observing and eavesdropping?

To be sure, Justice Black was not the first to have a unique interpretation of the right of privacy. In fact, there were those legal scholars who vehemently disagreed with the Warren-Brandeis principle entirely. These proponents may trace their lineage to one of the concurring judges in the Roberson case. A caustic editorial in the New York Times (1902) criticizing the Roberson decision prompted Judge O'Brien (1902) to take the unprecedented measure of publishing a defense of the decision in a legal periodical. He noted that a right to privacy would be difficult, if not impossible, to circumscribe.

More recently, Davis (1959) argues that the main difficulty with a "right to privacy" arises from the essentially derivative nature of the interest. He viewed the right of privacy as a mere
distillate of other more meaningful and explicit causes of action. He concluded that:

Indeed, one can logically argue that the concept of a right to privacy was never required in the first place, and that its whole history is an illustration of how well-meaning but impatient academicians can upset the normal development of the law by pushing it too hard.

Finally, Kalvern (1966) asserts that the advocates of a "right to privacy" are unable "to see the pettiness of the tort they have sponsored." He reasons that the fascination with the Brandeis trademark, excitement over the law at a point of growth and appreciation of privacy as a key value have all combined to dull the normal critical sense of judges and commentators.

It serves little purpose to go beyond this brief discussion of the opinions of O'Brien, Davis and Kalvern. These scholars express the minority opinion for as Prosser (1960) points out, most others "have agreed, expressly or tacitly, with Warren and Brandeis."

**Right of Privacy Today.** Davis (1959) has identified at least four avenues employed by various states to acknowledge the right of privacy. They are as follows:

1. natural law: *Pavesich v. New England Mutual Life Insurance Company*
2. constitutional mandate: *Melvin v. Reid*
3. common law: *Housh v. Peth*
4. legislative statute: *Oklahoma Statutes Annotated*, Title 21 §839, 840.

Although Ohio lacks any statutory provisions addressed specifi-
ally to the right of privacy, the Ohio Supreme Court, in the first case before it concerning the concept, stated "that since reason and authority are convincingly in favor of recognition of the right, Ohio should not hesitate to approve this salutary and progressive principle of law" (Housh v. Peth). Through this and subsequent judicial decisions, the Ohio courts have specified the nature of the right and what generally constitutes an invasion of privacy. It is viewed as an incident personal in its nature and the act complained of must be one which is offensive or objectionable to the reasonable man (Ohio Jurisprudence, 1973).

At this juncture, a brief description of the functional evolution of the right of privacy and its accepted dichotomy would facilitate a greater understanding of the concept's current application. Whereas the Warren-Brandeis doctrine filled an apparent void in the law, the earlier cases were understandably absorbed with the confirmation or denial of the right of privacy rather than its delimitations if it did indeed exist. Armed with the ability to review the cases thus far decided, Prosser (1971) has concluded that the invasion of privacy is not one tort, but rather, a complex of four. He asserts that each category represents a different interest of the individual, yet each represents an interference with the individual's right "to be let alone." These invasions are:

1. intrusions upon the individual's physical or mental solitude or seclusion
2. public disclosure of private facts
3. publicity which places the individual in a false light in the public eye

4. appropriation for the transgressor's benefit or advantage of another individual's name or likeness.

While Dean Prosser's fourth category is not likely to be applicable to the administration of student records, the utility of the first three in this regard is easily understood. Intrusions upon the individual's physical or mental solitude or seclusion may be viewed as the unrestrained collection of student information; the public disclosure of private facts may be interpreted as the unjustified release of student information; and publicity which places the individual in a false light in the public eye may be translated as the release of information which is untrue.

In retrospect, the personal annoyance which inspired the Warren-Brandeis article suggests that Prosser's second category was their fundamental interest. Appropriately, this aspect is given more in-depth treatment in the literature. In further defining the parameters of Prosser's second category, the authors of "Privacy—Disclosure of Private Facts" (American Jurisprudence Proof of Facts Annotated, 1972), have suggested four prerequisites which must be in evidence if Prosser's second category is to result in a successful action for damages. These are:

1. The disclosure complained of must actually involve private facts about the individual.

2. The disclosure complained of must actually be a public dis-
3. The disclosure must be offensive to a reasonable person of ordinary sensibilities.

4. The party complaining must show a sufficient identification or association with the facts disclosed.

It must be remembered that the success of any litigation is dependent upon a variety of circumstances, the most important being the legal principles recognized in a given locality. For example, in New York there is no actionable remedy which exists at common law for the invasion of privacy. The privacy statutes of the state Civil Rights Law only prohibits the commercial exploitation of a person's name, portrait or picture without written consent. Consequently, the portion of the action in Blair v. Union Free School District # 6 which dealt with an alleged invasion of privacy was dismissed by the New York courts. In contrast, had this particular suit been brought in Ohio, the outcome may have been different. Ohio common law subscribes to the concept of an invasion of privacy and offers few, if any, defenses to such an action which would be readily available to school personnel. Until circumstances in Pennsylvania forced the issue of the student's right of privacy to be heard in the United States District Court in 1973, successful litigation in this area was nonexistent.

The Right of Privacy and the Schools. Aware of the dangers and effects of drug abuse, officials of Stewart Junior High School in Norristown, Pennsylvania introduced a program to be administered to eighth grade students entitled the Critical Period of Intervention (CPI). The
stated purpose of the CPI Program was as a "drug prevention approach as contrasted with drug rehabilitation efforts." The program was designed "to aid the local school district in identifying potential drug abusers." Although the program failed to define the term "potential drug abuser" and did not specify what constituted abuse, identification of these students was accomplished by requiring students and their teachers to complete test questionnaires. The questionnaires solicited such subjective and distinctive information as family religion, race or skin color, family composition, including the reason for the absence of one or both parents and extensively probed the interpersonal relations between the student and his or her parents. Additionally, both students and teachers were asked to identify other students who in their opinion exhibited odd, unusual or inappropriate behavior.

The CPI Program further contemplated the development of a "massive data bank" the contents of which were to be made available to various school personnel including superintendents, principals, guidance counselors, athletic coaches, social workers, P.T.A. officers and school board members. Community agencies such as hospitals, clinics and rehabilitation centers were also furnished with this information after "responsible school personnel [made] referral interventions when remediation needed by a particular student far [exceeded] available school resources."

Prior to the commencement of litigation, there was neither a provision allowing parents to see the test instrument itself nor a
provision for student consent. Moreover, there was no attempt to secure the affirmative consent of parents agreeing to the participation of their children in the CPI Program. School officials employed a "book-of-the-month" club approach where the parent's silence on the subject was construed as acquiescence.

In reviewing the questionnaire which students were compelled to answer, the court concluded:

... These questions go directly to an individual's family relationship and his rearing. There probably is no more private a relationship, excepting marriage, which the Constitution safeguards than that between parent and child. This Court can look upon any invasion of that relationship as a direct violation of one's Constitutional right to privacy.

The fact that the students are juveniles does not in any way invalidate their right to assert their Constitutional right to privacy. ...

The court ruled that the CPI Program violated the student's right of privacy inherent in the penumbras of the Bill of Rights of the Constitution. In so ruling, the defendants, their agents, servants and employers and all persons acting in concert with them were permanently enjoined and restrained from implementing or in any other way proceeding with the CPI Program and from expending any further county or school district revenues on the venture (Merriken v. Cressman).

LITERATURE ON STUDENT RECORDS

Introduction. The intent of data collection is best determined by reviewing the circumstances to be remedied. Accordingly, before compiling student information, school officials must determine which information is relevant and necessary to efficiently operate a deci-
sion-making institution. While this attitude may appear to be commendable, a closer analysis suggests that in the absence of restraints, it is best characterized as specious. The recording of student attendance and achievement data has been consistent through the years. However, contemporary data collection has progressed well-beyond these "minor" reports. Although the organization's rationale of legal requirements and the need for functional proficiency are legitimate explanations, a historical review of record-keeping practices would insure a better understanding of the process of information gathering as it exists in American schools today.

History of Student Records. Student records are by no means a new phenomenon, although, a chronicler might often find it difficult to demonstrate the merits of the practice or the relevance of the notations. As a rule, the information recorded served to document the student's patterns of attendance. Nevertheless, because schools existed in a loose confederation, the practice of recording information was left to individual interpretation. Cubberly (1920) elaborates on a 200 year-old record maintained by a Swabian schoolmaster Hauberle by name, who

with characteristic Teutonic attention to details has left on record that, in the course of his fifty-one years and seven months as a teacher he had, by a moderate computation, given 911,527 blows with a cane, 124,010 blows with a rod, 20,989 blows and raps with a ruler, 136,715 blows with the hand, 10,235 blows over the mouth, 7,905 boxes of the ear, 1,115,800 raps on the head and 22,763 notabenens with the Bible.

With compilations such as this, it remained for Horace Mann to dignify the record-keeping procedure and raise it to a level unknown prior to his intervention.
As the first secretary of the newly appointed State Board of Education of Massachusetts in 1837, Mann was successful in his lobby to require the maintenance of a "register" by all school districts. The initial register was a single sheet prepared and furnished by the state board of education. This format was unsuitable to Mann's purposes; hence, it underwent annual revisions until in 1845, he received board authorization to design a permanent school register in book form and "sufficient to last for five or more years." Aware of the magnitude of his task, the necessity for consumer input and desirous of a worthwhile product, in his ninth annual report to the board of education, Mann (1846) summarizes the register's evolutionary process.

I have examined hundreds of different forms and availed myself of the suggestions of many intelligent teachers in order to make it as perfect as possible. After arranging it in the best way I was able, copies were sent or exhibited to distinguished teachers and school officers, not only in our own State, but in several others. It was not placed in the hands of the printer until it had received the approval of many of the best teachers and educationists in the country.

Inasmuch as the major concern was on effecting a restraint on absenteeism, the register specifically provided for "the entry of each pupil's name...a blank for tardinesses and absences" and space for "a daily account of mental progress and moral deportment" to be used as the teacher was so inclined. Mann was ebullient in his description of the new five year register and he stated that the benefits of its use would accrue in the following manner:

1. All items recorded could "be summed up and their aggregate stated" at the end of the term.
2. A school history of the child would be provided.

3. A parent or committee man would be able to trace the child's progress.

4. Each child would be furnished a "means of self-comparison."

5. It would serve as "a powerful incentive to good and dissuasive from evil."

6. It would "fasten the delinquency of absence upon particular offenders."

The applicability of the school register was recognized by other "educationists". Henry Bernard, secretary from 1838 to 1841 of the Board of Commissioners of Common Schools for Connecticut, thought of the register as "an invaluable auxiliary in securing punctual and regular attendance" (Heck, 1929). Unlike Massachusetts, the use of the register in Connecticut was moved from indulgent to compulsory. However, these registers were supplied by local district clerks and therefore lacked uniformity.

In 1837, Samuel Lewis was the first Superintendent of the Common Schools in Ohio. In his report to the thirty-sixth General Assembly, Lewis (1838) stated that "the teacher in every district should be required to keep in a book, to be prepared by the district, an accurate record of the number of scholars, male and female, with the time they attend school...." Again, the state was in want of a homogeneous record-keeping format. Heck (1929) states that records from county auditors showed that while many teachers maintained a school register, many others did not. In spite of this, the interest
in recording school attendance increased to the extent that the school attendance record became the index of school efficiency (Yeager, 1949). Attempts were made to compare districts based on attendance but with the variations in record-keeping practices and no standard of agreement on the methods of computing attendance, this feat was impossible. Shortly after its establishment in 1857, the National Education Association unsuccessfully sought to remedy the problem of diversified practices through numerous committees assigned to study the problem in 1860, 1874, 1881 and 1891.

Although Mann (1846) lauded the school register as an "efficient preventative of irregularity of attendance" and Bernard concurred (Heck, 1929), Lewis' attitude toward school records added a new dimension. Apparently he was the first to view the record as an instrument to justify district financial expenditures. In Mann (1839), Lewis asserts that

.. . .the history of popular education shows that it has nowhere succeeded without efficient measures to secure correct statistical data on which to base legislative provisions. . .Our school statistics are valuable. . .to enable us to know whether our school fund is properly expended or not. . .

This aspect of student records, however, was to receive little attention because circumstances in other areas were to soon greatly influence the composition of student records.

Increased college and university enrollment forced personnel in these institutions to rely heavily on information received from their applicant's secondary school. Further, research in the testing industry insured not only an increased demand for scientific measurement tech-
niques, but also more exact determinations of the nature of individual differences and deviations. Subsequently, student records were expanded to include the results of assessment and evaluative statements. The director of the Boston Model School, Charles M. Lamprey, introduced the first individual student record in 1909. His format was a loose-leaf type of register which was adopted by the Boston public schools the following year.

Amid these new developments, the dilemma of incomparable record-keeping practices continued to plague school districts. This condition, however, was not without its critics. Dutton and Snedden (1908) complained of four defects of then existing school records:

1. inadequate cumulative material
2. undeveloped character of units of measure
3. records lacked compactness and organization, specifically the duplication of names and other data
4. a lack of homogeneity of standards for comparison.

Concurrently, research inspired by the scientific movement accentuated the fact that adequate records were requisite to progress in studies pertaining to students. In discussing Thorndike's Elimination of Pupils from School (1907), and Ayres' Laggards in Our Schools (1909), Yeager (1949) declares that "in each of these, accurate comparative school data were highly essential but in many instances were inadequate and inaccurate." The status of the records encountered by Ayres moved him to complain about the paucity of original records and "the isolated and disconnected practices" of principals and superin-
tendents.

In addition to its 19th century committees appointed to study student records, the National Education Association assigned other committees which reported in 1912 and 1928. Although the 1912 committee was successful in clarifying terminology and procedural aspects, its major emphasis continued to deal with attendance.

In contrast, by the time the 1928 committee was convened, the inescapable necessity for comparative measures had been made evident by the expanding measurement and survey movements. Responsive to the pressures of the times, the Report of the Committee on Uniform Records and Reports (National Education Association, 1928), suggested that local systems of school records should be organized to insure uniformity. The committee further recommended that data collected should be relevant and exact and that all records of a school system should be unified and coordinated. The committee also proposed the retention of the following types of student records:

1. teacher's daily register
2. pupil's general cumulative record
3. pupil's health record
4. pupil's vocational guidance record
5. pupil's psychological clinic record
6. principal's office record card

The 1928 conferee's further offered recommendations designed "to make the procedure of record-keeping and report making easily routinized."

Standards proposed for pupil records were as follows:
1. All major pupil records should be cumulative.
2. Records should be uniform when used for comparative purposes.
3. Record forms should be durable.
4. Record forms should reduce repetition to a minimum.
5. Organization of the record form should simplify the process of recording and reporting.
6. Information provided in the pupil record should be essential for adapting instruction to the needs of the children.
7. Records should be available to those who have a need to utilize the information contained therein.
8. Where ready reference is essential, "visible equipment" might be desirable.
9. Elementary and secondary records should be separate.

The thoroughness of the 1928 committee report is evidenced by its coverage of the variety of record cards then in use in conjunction with its recommendations for the treatment to be afforded to census and attendance data as well as reports to the home.

In spite of the fact that the NEA's 1912 committee had recommended a cumulative record card, the task of popularizing this concept fell to the association's 1928 committee. Although this latter committee was responsible for numerous recommendations, its revival of interest in a card that "should follow the child from teacher to teacher throughout his school life" undoubtedly had the most far-reaching effects.

Several contemporary efforts at cumulative record-keeping were
reviewed by the committee, notably those devised by John L. Stenquist, Arthur B. Moehlman and Ben D. Wood. Stenquist had proposed a packet system which required the repetition of data needed for identification on various cards. His proposal enjoyed usage in the public schools of Baltimore. Prescribed by the Michigan State Department of Education, Moehlman's cumulative record sheet eliminated the duplication defect of the Stenquist "packet" system. The American Council's Cumulative Educational Record Form, developed by Wood appears to have received most of the committee's plaudits. In commenting on and/or offering an inducement couched in terms of the merits of its use, the committee indicated that its' format "provides for the recording of every type of information over a long period of time." Coincidentally, in the same year, the Committee on Personnel Methods of the American Council on Education made available the "original" cumulative record folder (Traxler and North, 1966).

Proponents for increased student data collection were encouraged by the results, in 1934, of the Progressive Education Association's (PEA) Eight-Year Study. Emphasis was on the compilation of student information beyond simple test scores and course work (Wheeler, 1969). The chairman of the Eight-Year Study, Eugene Randolph Smith, was later appointed (1941) to chair an American Council on Education (ACE) committee which had been created to align the organization's cumulative record forms with existing trends and to improve methods in recording personnel data. It is of interest to note that the PEA's report of the Eight-Year Study, authored by Eugene R. Smith and Ralph
W. Tyler entitled *Appraising and Recording Student Progress*, was not published until 1942. In light of this, the parallel recommendations of the PEA and the ACE are understandable. Traxler and North (1966) note that the latter Smith committee's cumulative record forms placed "less emphasis on subjects, credits and marks, and more emphasis on behavior descriptions and evaluation of personal qualities."

Attempts to further refine and unify school record-keeping practices were made in 1958 and 1964 by the National Association of Secondary School Principals and the U.S. Office of Education respectively. However, attempts have not been made to gauge the effects of these organization's recommendations. Nevertheless, they offered little or no abatement to the expansion of the cumulative recording system or the emphasis on the types of student information collected or recommended by the PEA or the ACE in the early 1940's. Even the judicial system endorses the collection of diverse student information. In *Einhorn v. Maus*, a civil-rights charge was used to enjoin school officials from placing personal notations on records that were released to institutions of higher learning. This attempt was denied and the right of the school to include nonacademic (disciplinary) information on their recommendations was upheld.

**Student Records Today.** Professing to be ardently devoted to the ambitious goal of "teaching the whole child," educators have sought to ferret information they deemed necessary and, as of late, have begun to rely on a technological advance which has an infinite capacity for information storage and retrieval---the computer. At the present time,
the computer does not enjoy wide-spread usage in the nation's public schools, but in its brief 20 year history, its manufacturers have demonstrated its efficiency in such a convincing manner that its use in the public schools is on the increase.

Westin (1967) notes the following advances in computer technology that have occurred between 1955 and 1965 and further offers projected developments to occur by 1975.

1. The internal speed of computers increased from 25,000 additions per second to 5 million additions per second. By 1975, operations will increase to one billion per second.

2. The operational costs of one million additions declined from $10 to 3.5 cents. By 1975, the cost will be reduced to one two-hundredth of a cent.

3. The capability of all installed computers working in a concerted effort increased from 500,000 additions per second to 200 million additions per second. By 1975, the functions could be increased anywhere from 5 billion to 250 billion additions per second if the growth rate from 1965 to 1975 is comparable to that from 1955 to 1965.

To the unimaginative, these projections might appear absurd, but the computers "preposterous" capacities for collection, collation, storage and distribution of recorded information is already a reality. In 1966, the Precision Instrument Company demonstrated a computer employing a laser process which allows 645 million bits of digital data to be recorded onto one square inch of plastic tape. This system
has been improved upon to the extent that printed information requiring cathedral accommodations may now be housed in a match-box. It is now possible to store the equivalent of twenty typewritten pages of information (250 words to the page) on every living person in the world on ten tapes, each 1,500 meters long and 2¾ centimeters wide (UNESCO Courier, 1973).

With technology such as this available, at the very least, it is economically practical for large school systems or groups of small school systems to employ computerized information storage and retrieval systems for school use. Accordingly, many school systems have seized the opportunity to computerize various aspects of their student record-keeping systems.

Wheeler (1969) reports on the Cooperative Plan for Guidance and Admission (CPGA) which was developed by the Educational Testing Service. The objective of this system was to increase the aggregation and variety of revelations transcribed about each student in comparison to conventional records and to concurrently provide easier access to such information. Not only are comprehensive student reports generated, but complex analyses of course credits and grades, learning situations experienced and class rankings are also provided. The computers employed for this purpose are also capable of storing attendance records, test records, extracurricular activities, work records, a summary of descriptive scales concerning personality and behavioral characteristics and home and family data. It is possible to immediately provide a profile of a student's statistics at any
point in time which would include both academic and nonacademic data.

The state of Florida has adopted a centralized record-keeping system which utilizes an IBM 1230 Optical Scanner. With this system, identifying data for all pupils in the state is entered at the ninth grade and activity records, test scores and grades are entered at the end of each succeeding year. The result is the Florida Student Computer Record which includes the following information: social security number, name, grade, school, address, type of curriculum, date and place of birth, citizenship, health and physical disabilities, sex, race, religion, marital status, family background, languages spoken in the home, academic record, honors, work record, test record and extracurricular activities. Similar systems are being installed in Iowa and Hawaii (Divoky, 1973).

According to the National Committee for Citizens in Education (1974), the following developments in computer usage in the schools are already a fact of life. In 1968, the Union High School System of Phoenix, Arizona introduced a cumulative record system which makes it possible for any staff member to pick up any phone in his school, push a button, dial a code number, dictate comments about a student into a remote recorder and play back the comments made by other staff members. After a typist records the information, a clerk sorts the transcriptions and delivers them to the appropriate counselor for inclusion into the cumulative record. The kind of information is communicated by a color coding system which makes allowances for health, attendance, disciplinary or financial data.
Funds allocated by Title I of the Omnibus Crime Control and Safe Streets Act of 1968 has inspired the California Council on Criminal Justice (CCCJ) to institute a program called "Correctionetics." Through this program, all juvenile records including information on psychiatric treatment are centralized and computerized. Further, those children, down to age six, who have been identified as being "in danger of becoming delinquent," may be declared, according to state law, "pre-delinquents" and in the process, become a California Youth Authority statistic with a juvenile record.

In seeking situations which might be characterized as latent social problems and which further lend themselves to computerization, the CCCJ pressed the imprudent kindergarten teacher into the role of government intelligence agent. For two years kindergarten teachers were instructed to identify those five-year old "target students" whose social and academic profiles were similar to those of adolescents who have experienced contact with juvenile authorities.

The state of Maryland maintains a computerized dossier of the "learning disabilities" of school children. Although school officials rely upon these files for decision-making, parents have been denied access.

A Pennsylvania program is reliant upon the psychological diagnosis of children who are stigmatized with such labels as "developmentally arrested," "ego disturbed," and "Oedipally conflicted." These professional opinions are in turn based upon a 12 point check-list which reflects teacher attitudes toward students that is computer sorted to refer the children to special counselling groups.
The impact of these developments is apparent to even the most casual observer. In its zealous intrusion into the life space of the student as it possibly influences his educational responses, the educational community has enlisted the services of automated personal data systems and, concomitantly, laid the foundations for record-keeping in the public schools to assume the aura of an Orwellian Frankenstein. Ironically, the computer is not included in Orwell's gallery of horrors. However, as evidenced by the above, it is a most effective tool for surveillance.

**Issues Involved in Student Record-Keeping.** The desire for an efficient means of child accounting inspired Mann to introduce the first school register in 1837. Laboring under the assumption that they were making available for school personnel an uncomplicated and tractible liegeman, subsequent educators have niggled with Mann's creation and amended it with new components so that today the student's cumulative record, whether it be automated or manual, is a veritable hors d'oeuvre tray of student information. This dilemma is the consequence of allowing educators bureaucratic instincts for the relentless acquisition of information to run amok. A further derivative is the increasing applicability of Parkinson's Law: data needs have expanded to complement the existing data collection and storage facilities. Consequently, information previously assembled to ameliorate educational deficiencies is now being used to construct predictive models of behavior. This is not to suggest that the profession should either simply close Pandora's box or subscribe to the Luddite tradition and seek to
eliminate the use of technology. Rather, it is imperative that educators become aware of the issues and operational hazards which accompany existing record-keeping practices. Two areas of concern are paramount: 1) the obliteration of the student's right of privacy; and 2) security measures instituted to safeguard information once it has been collected.

The invasion of privacy is a social issue and refers not only to the unbridled collection of student data, but also to its unsanctioned release. As defined by Ruebhausen and Brim (1965) and expressed by a dissenting Justice Douglas in Warden v. Hayden, the right to privacy is characterized as the freedom of the individual "to select for himself the time and circumstances when he will share his secrets with others and decide the extent of that sharing." Prosser's (1971) dichotomy appears to be consistent with this definition. He regards an intrusion upon the individual's physical or mental solitude or seclusion as an interference with the individual's right "to be let alone". Obviously, the gross compilation of student information is at variance with such a concept of privacy regardless of the accuracy of the information or the precautions taken to assemble the data. The Merriken decision, which addressed this issue, provides some idea of the position the courts might assume if they are forced to rule on the matter in a jurisdiction, such as Ohio, where the right of privacy is recognized.

By definition, the right of privacy is not restricted to the student's right to protection from those conspicuous intrusions into his or her private affairs. On the contrary, it incorporates the
student's right of protection from undesired publicity. Again, Prosser (1971) agrees with this interpretation in that, given certain conditions, the public disclosure of private facts is construed as an invasion of privacy. Concern then must now be directed to the unauthorized release of student information. Several researchers have attempted to determine how school personnel administer student information. The results are as follows:

Rudolph (1968) sought to determine how 89 school counselors, 89 teachers and 16 administrators felt selected student personnel information should be treated in regards to its release to other educational institutions, governmental or legal agencies, prospective employers and parents. The results of the study indicated there were significant differences in the perceptions of various school personnel in terms of information release. Counselors tended to qualify their responses more frequently than the other groups; teachers were more willing to release information than the other two groups; when significant opinion differences were evident, counselors and administrators tended to agree more closely than any other group combination; all three groups favored information release to other educational institutions more than to any other group requesting the information; and all three groups were hesitant in releasing information to a prospective employer.

Goslin and Bordier (Wheeler, 1969) questioned 54 school districts as to who generally has access to their entire pupil record files. 43 districts replied that they allow teachers complete access,
31 districts reported that they made records available to the school nurse, 29 open their entire files to officials of the Central Intelligence Agency and the Federal Bureau of Investigation, 23 give records without subpoena to juvenile courts and 18 to local police. Only 8 districts allow parents access to their child's file and a meager 5 afford pupils the right to view their files.

Of 160 school districts in Pennsylvania surveyed by Barone (1970), 122 of the school districts stated that non-professional employees had access to student files. Of these districts, 60 stated their non-professional employees were permitted to release student information to third parties such as employers, government agencies, colleges and universities. 96 districts reported that they made student information available by telephone.

In his attempt to discover how student information is administered, Noland (1971) found that school officials freely assume judgmental roles in excess of the rights and responsibilities of their offices. That is, counselors were inclined to record information about student behavior which was beyond their need to know or use in the public interest and further displayed a willingness to reveal such data without authorization. Noland's results also indicated that while sitting in judgment, the concern of the 168 participants in the study was not over the issue of whether sensitive information should be obtained, retained and released. Rather, they expressed anxiety with respect to the mode of transmittal! Noland reports that where the counselor doesn't directly transmit specific information about the students' behavior on their recommendation
forms, he is still concerned only about the manner in which he can 'safely' transmit his value judgment regarding these acts. Thus, he can write a 'private' letter or phone the admissions dean. Or he can write the dean and ask him to phone the counselor. (What if he's not called?) Or he can merely omit the writing of the usual good character reference, thereby transmitting these data in an even more covert fashion.

Employing a questionnaire and interpreting responses as a reflection of practice, Gunnings (1971) asked 47 counselors to give opinions as to who, other than themselves, should have access to confidential information. The questions related to the following categories of data: grades, I.Q. scores, psychological test scores, aptitude test scores, family background material, personal-psychological problems and career vocational plans. Requests for information were viewed as coming from teachers, other counselors, parents, police and courts, administrators, colleges and prospective employers. The results were as follows: counselors granted access to most information to teachers, other counselors and administrators; parental access to grades, aptitude tests and career plans was seldom challenged; the police and courts were refused access to information concerning personal and psychological problems but granted access to grades, aptitude tests, family background and career and vocational plans; colleges were given access to grades, I.Q. scores, aptitude tests and career plans; and businesses were refused access to everything except grades, aptitude tests and career plans. Parents and employers were granted access to the same types of information.

Finally, Boyd et al. (1973) attempted to assess school counselor practices in the disclosure of pupil personnel information by type of
information and the information requesting source. Responses from the 936 individuals who participated in the survey indicated that individuals within the school organization were most likely to receive exact information; students, parents and social service agencies were most likely to receive an interpretation of available data; and employers, college admissions personnel and government protection agencies were most often denied information or given a general interpretation of the data. Further, while information concerning family, peer and other personal concerns was most often withheld from requesting sources, complete confidentiality was rarely achieved.

From the above research, it becomes apparent that the administration of student records is left to the whim of school officials. Various portions of a student's cumulative record are readily shared with public and private users of the information yet school personnel are reluctant to share this same information with parents and students. Inasmuch as parents and students are unable to select the circumstances and extent to which they wish to share or withhold their behavior, opinions, beliefs and/or attitudes, student record-keeping practices conflict with their right of privacy.

In contrast to privacy, security is the primary responsibility of that individual or department which is the keeper of records. As such, security is an administrative problem and the person(s) in charge has a vested interest in keeping those circumstances which reflect negatively on his or her administration to a minimum. Currently there are little or no protections against the unethical user
of student information. Consequently, the need to guard against interlopers is exigent. Further, the unauthorized release of student information to public or private users of the information is offensive to the concept of the student's right of privacy as it is defined by Ruebhausen and Brim, Justice Douglas and Dean Prosser. Notwithstanding the obvious need to preserve the privacy rights of students and concurrently reap the benefits which accrue from such proper administration, school officials have become swept away by their power to govern the accumulation of student information. As a result, they have adopted intemperate information collection practices and further display their disdain for their responsibilities by the unsanctioned dissemination of student data. The peculiarities and legal ramifications which govern access to and the release of student information will be discussed in the following section of this chapter.

LITERATURE ON STUDENT RECORDS
IN STATUTORY AND COMMON LAW

Characteristics of Written Records. For numerous reasons, student records have evolved from the single sheet attendance register to become extensive dossiers on individual students containing all and sundry items of information. In the process, school officials have become rapt with the collection of student information to the extent that current student record-keeping practices are in direct conflict with the student's right of privacy. The magnitude of these developments becomes evident when the properties of recorded information are
reviewed.

Whether the student's cumulative record is automated or manual, the input is provided by a multitude of individuals at various times and, in effect, is based on exception reporting or deviations from the norm. While the inclusion of items which in themselves are minor might appear to be quite harmless, the effects of their collective assemblage is to generate an impression that is inaccurate and often damning. When student records are perused, the person gaining access is ideally attempting to secure information needed in order to make a professional judgment. Consequently, the subject of the record is placed on trial and the person consulting the records assumes the posture of judge and/or jury. Westin (1967) and Wheeler (1969) agree that the ramifications of this phenomenon are astounding in view of the five distinctive characteristics of all written records.

First, because recorded notations are part of an "official file" compiled by an investigative agency, the cumulative record is viewed as a formal evaluation and legitimacy or authenticity is ascribed to it. If there is a discrepancy between the student's behavior and his record, there is the tendency to rely on the record and to treat the observed behavior as the exception rather than the rule. This has the tendency to inspire a "self-fulfilling prophecy", the negative affects of which are evident from the research of Rosenthal and Jacobson (1968). The impact of the ascribed "predictive validity" of the written record is incalculable, however, the impoverished student will experience the most inequitable treatment. In extracting subjective statements from
60 cumulative folders, Smith and Pindle (1969) found evidence that teachers of culturally different students tended to write more negative than positive remarks on the students' cumulative records irrespective of these pupils' measured estimate of intelligence or level of academic achievement.

Second, since information is recorded, it acquires a degree of permanence because the information can continually be referred to. The life span of the record tends to approximate that of the institution rather than the individual's association with it. The consequence is a record prison in which omissions, past mistakes or misunderstood events go unrevised.

Third, because of the nature of its development, the written record is faceless. It may be consulted whether the individual who recorded the information is available for explanations or not.

Fourth, due to its physical properties, the written record is transferable. The orbits of the record exist independent of the person to whom it refers.

Finally, because the record on students are maintained in a variety of places and since they are transferable, the combinations of assemblage are astronomical.

Aware to some extent of the significance occasioned by the dissemination of information, students offer definite attitudes regarding the release of student information. Lewis and Warman (1964) report that the identity of the person to whom information was to be released was of importance to the students in their study. They also
reported that personal-emotional counselees were more reluctant to release information about themselves than were non-counseled or vocational counselees.

In a study roughly comparable to that of Lewis and Warman, Anderson and Sherr (1969) indicate that students do discriminate among the types of information they want released as well as among persons and agencies to whom they feel access should be given.

**Student Records in Statutory Law.** While it is apparent that the above student anxieties reflect a legitimate concern, the relative dearth of explicitly declared state laws regarding student records serves only to aggravate an abominable situation. The National Committee for Citizens in Education (1974) reports that of the fifty states and the District of Columbia, 27 states have state statutes which pertain to student records in some way, 5 states administer student records according to an executive order of the department of education or the state board of education and 7 others rely on some sort of advisory to local officials or an attorney general's opinion. Ohio is one of the 12 states which has no explicitly stated provisions which deal with student records, offers no guidelines and leaves the administration of student records largely to the politics of local school districts.

It is impressive to note that thirty-two states administer student records with the force of law. However, inspection of these statutes reveals that most of them are woefully inadequate. Provisions which deal primarily with the conditions for the release of student information with few provisions for the collection and maintenance of student
information is the rule rather than the exception. Further, few states offer real deterreents to the improper administration of student records. Oregon threatens professional staff members with the possible suspension of certification; Oklahoma makes it a misdemeanor to reveal information about a child gained as a teacher; and California treats all information as personal and confidential and permits suit for damages for the improper release of such information.

The excessive number of statutory provisions which refer to the disclosure of student information may stem from a right which seems to conflict with the right of privacy—the right of the people to know. This endowment, inherent in the First Amendment, has found expression in many states in the form of "open information" laws which declare that the public is entitled to know the public's business and that records and reports required by law are, therefore, open to public inspection unless specifically closed by law. The ensuing repercussions were predictable and the battleground between the forces of the right of privacy and forces of the right of the people to know has become that nebulous area that may or may not be included in the open information laws—school records. A distinctive feature of this confrontation is the attitude school authorities assumed in regard to parental access to student records. It was not uncommon for school districts to deny parents and/or students the right to review pertinent school records while making these same records available to FBI and CIA officials, juvenile courts and local police agencies (Wheeler, 1969).
By keeping parents and students unknowledgeable of the information concerning them retained in school records no procedures were provided for challenging erroneous or unverified allegations of misconduct. The seriousness of this egregious practice is amplified by the behavior of school officials. As evidenced by the research of Noland (1971), many school authorities enthusiastically assume judgmental roles peripheral to the rights and responsibilities of their offices by readily providing third parties with information regarding personality and behavioral problems included in student's academic or guidance files.

The exact parameters of parental access to student records remain to be defined in evolving litigation. However, several court decisions relative to parental control over their child's education suggests that the denial of parental access to student records is a legally indefensible position.

Parental Control Litigation. In State ex rel Sheibley v. School District No. 1 of Dixon County, the Nebraska Supreme Court recognized the parent's continual and therefore superior interest in his child's welfare and in so doing, granted the parent the right to abrogate high school regulations concerning curriculum. The Court stated: "The right of the parent. . .to determine what studies his child shall pursue is paramount to that of the trustees or teachers."

Relying again on the parent's knowledge of and appropriate interest in his child, the Oklahoma Supreme Court, in Garvin County v. Thompson, honored a parent's request to keep his child from taking singing lessons for religious reasons. Similarly, in Hardwick v.
Board of School Trustees of Fruitridge School District, the California District Court of Appeals, using religious beliefs as a basis, ruled that a child could not be compelled, against the wishes of the parent, to take dancing lessons.

In *Meyer v. Nebraska*, the U.S. Supreme Court declared unconstitutional a state law which enjoined instruction in any language other than English. The Court ruled this was an unjustified infringement upon "the power of the parents to control the education of their own."

In *Society of the Sisters of the Holy Name of Jesus and Mary v. Pierce*, the courts voided an Oregon law which made attendance in public schools mandatory. Parents were given the right to enroll their children in parochial schools if they so desired.

Finally, in *Wisconsin v. Yoder*, the Supreme Court excused Amish children of senior high school age from compulsory school attendance altogether. The Court ruled that the society in which these children lived offered to them a different but equally valid set of values and skills.

Through the above decisions, the judicial system has offered a strong presumption in favor of parental access to student records. The courts have concoded to parents a veto power over school curriculum regulations; acknowledged the parent's right to direct the education of children under their control; and ruled against statutory incursions which might abridge these rights. More recently, judicial interpretation of the "due process" clause of the Fourteenth Amendment has reaffirmed parental control over the education of their children. In
view of the diversified nature of available educational programs and the educational community's stout dependence on behavioral and related assessments, it would seem that for parents to intelligently exercise their right of supervision, they must be made knowledgeable of all data collected by the school on their child and used by school personnel in determining those academic experiences from which the child would most benefit. Access to student records is inherent in the parent's right of control. Unfortunately, school authorities have refused to administer student records in accordance with this interpretation. On the contrary, they have adopted an obstinate attitude and to their chagrin, forced parents to seek redress in the courts with the following results.

Student Records Access Litigation. In Valentine v. Independent School District, the Iowa Supreme Court ordered the superintendent to issue a diploma and a transcript of grades to a student who was denied the diploma as a penalty for refusing to wear a cap and gown at graduation.

In Marquesano v. Board of Education, a father requested the address of his children in order to enforce visitation rights under a divorce agreement. Because the father could offer no assurance that his children attended New York City schools, the court ruled that the burden of disclosure was excessive.

In Matter of Appeal of Arthur T. Thibadeau Jr., the acting New York Commissioner of Education reviewed the administrative appeal from a local board member. Thibadeau complained of a local directive per-
mitting parents to inspect their children's records. In rejecting the appeal, Commissioner Nyquist ruled "that the educational interests of the pupil can best be served only by full cooperation between the school and the parents, based on a complete understanding of all available information by the parent as well as the school." Although parents were allowed to inspect records which included academic and progress reports, psychological and psychiatric reports, standardized test scores and medical records, an attempt was made to shield the student from any possible misinterpretation of the data. The commissioner suggested that school districts provide personnel to interpret certain records to parents. Four months later, the issues involved here were to arise in a judicial context.

After being advised by school personnel that his son required psychological treatment, a father employed a private physician who, with the father's permission, subsequently requested and was denied permission to examine all of the boy's school records. In Van Allen v. McCleary, a New York State court acknowledged the fact that state statutes were silent on the issue of parental access to student records. It then referred to the Nyquist ruling in the Matter of Thibadeau. The court noted that although the characteristics of school records make a strict classification of status infeasible, two principles of common law were in evidence. First, student records were required to be kept by valid regulation. Second, by nature of their relationship with school authorities as legal guardians, parents possess a manifest and lawful interest in the contents of their child's
school records. In spite of the board's protestations that school records should be safeguarded and should be interpreted to parents by a professional, the court ruled that the parent was entitled to inspect all of his child's records and the board was instructed to make them available upon his reasonable request.

In Johnson v. Board of Education of the City of New York, the school board argued that school records were confidential and that parents should subpoena them if they were needed. The court, however, granted a writ of mandamus over the objections of the board allowing parents to inspect their child's records in preparation for their use as evidence in a trial on another matter regarding their child.

In seeking his daughter's current address, a father requested that the board of education allow him to inspect his daughter's records. The parents had been divorced and the daughter lived with her mother at a residence unknown to the father. In contrast to the Marquesano decision, the court, in Dachs v. Board of Education of the City of New York, ruled that since there was no evidence to suggest that the child was in danger from physical harm at the hands of the father, the board was not entitled to withhold information under the purported regulations made to protect the child from possible physical danger.

The conflicting viewpoints of a student's need to protect himself against unprincipled, inequitable or pernicious evaluations versus the necessity for candid or critical evaluations between an evaluator and an interested third party are evident in Creel v. Brennan
(Bates College Case). In this case, the court upheld the issuance of a subpoena that would enable a student to obtain, from school authorities, certain documents from admissions material that the student needed in preparing for another court action. The student wanted the records because he believed that they contained adverse evaluations from high school personnel—evaluations that were causing rejections from colleges. Among them was Bates College in Maine.

Before leaving the topic of access, it must be noted that there are legal precedents in evidence which provide access to student records to third parties who can display sufficient interest. In King v. Am-bellan, a superintendent was compelled, by the New York Supreme Court, to make available for a board member's inspection and examination certain official records and papers concerning an educational project under the board's auspices.

In a similar case, Wagner v. Redmond, the courts upheld the right of an elected school board member to compel the superintendent to furnish him the names and addresses of pupils enrolled in certain schools.

Finally, for the purpose of defense in a legal suit, the right of a former student to inspect school records for the names and addresses of former classmates was upheld in Marmo v. New York City Board of Education. Although board policy prevented the release of such information, the courts cited a previous case (Werfel v. Fitz-gerald) and stated that where the defense of a person accused of a crime requires access to public records, the right of inspection has
Confidential Communications. With the exception of those cases involving board members, the board's refusal to allow access to student records generally was founded on the theory that these records were privileged and therefore confidential. Privilege in this instance refers to the right of the clients of professional persons to prevent these persons from revealing in legal proceedings any information given in confidence as a result of the professional relationship. When the request involved is initiated by a parent, denying access on these grounds is indeed baffling. Although the service is rendered to the student, students are minors and as such are considered legally incompetent to exercise the privilege. The privilege reverts to the minor's legal guardians who become the parties empowered to exercise the privilege. Nonetheless, common law defines a confidential relationship as one "where one party is under the domination of another, or where, under the circumstances, such party is justified in assuming that the other will not act in a manner inconsistent with his or her welfare" (Bass v. Smith). The confidential relationship is further defined as a relationship where "circumstances make it certain that parties do not deal on equal terms, but on one side there is an overmastering influence, or, on the other, weakness, dependence or trust, justifiably reposed and does not exist where parties deal on terms of equality" (Stroming v. Stroming).

According to Wigmore (1961), in order for privilege to be recognized, the following four conditions must be in evidence:
1. The communications must originate in a confidence that they will not be disclosed.

2. This element of confidentiality must be essential to the full and satisfactory maintenance of the relation between the parties.

3. The relation must be one which in the opinion of the community ought to be sedulously fostered.

4. The injury that would inure to the relation by the disclosure of the communications must be greater than the benefit thereby gained for the correct disposal of litigation.

The elements of a confidential relationship and the limits of liability for the release of a privileged communication are illustrated in the following cases.

Martin Wynne suffered from Friedreich's ataxia, a progressively disabling and ultimately fatal disease of the central nervous system. The boy, however, was unaware of the severity of his malady. Upon enrolling her son in May Grisham School, the mother informed Martin's teacher and principal of the nature of his illness "in strict confidence." On January 21, 1969, the teacher disclosed Martin's condition to his classmates. The classmates immediately informed Martin that he had a fatal disease and persisted in asking him when he would die. Martin in turn repeatedly questioned his parents as to the truth of his classmates statements. Too late, the parents attempted to reassure him that he was not terminally ill. The parents felt this was a negligent disclosure of confidential information which caused them to suffer shock to their nervous systems and nerves. They sought com-
The Superior Court of Santa Barbara County ruled in favor of the school district and dismissed the complaint for failure to state a cause of action. The Wynnes appealed. The court ruled that where the Wynnes' complaint did not state that the teacher requested the sensitive information or that she promised not to reveal it to others, disclosure of such information given the teacher by the mother "in strict confidence" did not constitute any breach of duty giving rise to an actionable claim. The subsequent characterization of a conversation as confidential could not create a retrospective duty of concealment not assumed at the time (Wynne v. Orcutt Union School District).

In the aforementioned Blair v. Union Free School District # 6, the parents of Judith Blair initiated two suits against the school district for the invasion of privacy and the intentional or negligent infliction of emotional distress. The courts dismissed the claim of an invasion of privacy because the state did not recognize the right as presented in the suit. However, in addressing the second action, the court held that the acts of a public school or its employees in divulging information given to the school in confidence by a pupil could constitute outrageous action. This finding was made in view of the special or confidential relationship existing between the student and his family, and the school and its professional employees. Although the complaint did not recite the information disclosed, the complaint was not insufficient to state a cause of action on the part of the pupil for infliction of mental distress.
Expunction Litigation. With regard to written communications, when and wherever the student's and/or parent's right to inspect student records is recognized, a concurrent opportunity to challenge the contents of the cumulative folder must also be provided. Inasmuch as there is little uniformity in the administration of student records, school districts vary in their procedures for dealing with subjective or unverified allegations or the elimination of information which is obsolete or misrepresents the facts. The effacement of bogus, incorrect or otherwise maleficent notations would appear to be the only just course of action to pursue. However, since most state statutes avoid the issue, in order for a student's record to be legally expunged, there must be a court order to that effect included in the relief sought. Generally, relief of this variety is seldom provided unless it is expressly a part of the litigation procedures. The following cases illustrate this point.

A father sought to regain state examination privileges for his daughter. In doing so, he also requested that all references to a finding of fraud allegedly committed by his daughter be expunged from her high school records as well as those of the Commissioner of Education. In granting the father's petition, the New York Supreme Court ruled that school authorities had deprived the student of her constitutional rights (Goldwyn v. Allen).

Although expunction was not specifically requested in their petition, in Howard v. Clark, the New York Supreme Court ruled that the evidence offered in the case did not justify suspension of the
students on the grounds offered by school officials. The school board was ordered to "permit petitioners to attend New Rochelle High School forthwith as full time students and the record of their suspensions should be expunged from the school records."

Similarly, in stating that a school rule unnecessarily and unreasonably circumscribed a student's constitutional rights under the Fourteenth Amendment, the U.S. District Court of Iowa ordered the expunction from the school's records any reference to Sims' suspension for non-compliance with the school's rule. The plaintiff was also awarded her statutory costs (Sims v. Colfax Community School District).

In Stewart v. Reng, school officials failed to provide the student with a hearing compatible with the constitutional requirements for procedural due process. Stewart sought and was granted an injunction requiring school officials "to expunge from [the] student's transcript and all other permanent school records all references to his suspension and all references to facts, circumstances and proceedings surrounding it. . . ."

Although the court, on its own volition, may require the expunction of inappropriate information from a student's cumulative record, a student desirous of this form of relief would be ill-advised to leave this happening to chance. In the absence of a specific request or statutory laws to that effect, information removal is left to the discretion of school officials. Hence, concern must also be directed toward the personal liability of school personnel who voluntarily release student information which may be incorrect or
Legal Parameters of Defamation. Defamation involves the idea of personal disgrace and refers to those communications which tend to besmirch a person's reputation. More specifically, defamation alludes to the publication of derogatory words which are inclined to reduce the honor, respect, confidence or good will afforded an individual or excites adverse, deprecatory or unpleasant feelings or opinions about him. Defamatory imputations may be conveyed in slanderous or libelous form. The specific distinctions between these twin torts are indeed complex, but for purposes here, slander refers to spoken communications while libel refers to this paper's major concern, those which are written. Both forms of defamation are actionable without actual proof of damage if the references fall into one of four special categories:

1. the imputation of a crime
2. the imputation of a loathsome disease
3. those affecting an individual in his business, trade, profession, office or calling
4. unchastity to a woman

Prosser (1971) feels that the imputation of homosexuality to either sex might constitute a fifth category actionable without proof of damage.

The basis of liability in a defamation suit is as follows: First, the defamation must be disclosed to someone other than the person defamed; second, the individual is held strictly responsible for naıve conduct, without proof that he intended the consequences or
was at all derelict with respect to them; third, the derogatory meaning and allusion to the person defamed must be reasonably conveyed to and understood by others; fourth, an intentional or negligently published statement, although accidently defamatory, is actionable. There is no liability for the unintended publication which the individual (publisher) could not reasonably anticipate (Prosser, 1971).

Because the existence of damage to one's reputation is conclusively assumed from the publication of the libel itself, libel is more easily redressed in the courts. Consequently, the mere publication of written statements may be ample cause for a student to initiate litigation. In view of the nature of libel, parts of school records and their ultimate release could place school personnel in a perilous position. Matters become more acute if the prospects offered by Wade (1962) are realized. In comparing and contrasting the right of privacy with the tort of defamation, he cites several cases where, in ruling in favor of the plaintiff, the courts held that there was both an unwarranted invasion of the right of privacy and a libel. Unlike Prosser (1960) who suggests that the law of privacy may engulf the law of public defamation, Wade concludes that the law of privacy may become a part of the more comprehensive "tort of intentional infliction of mental suffering."

When they are established, truth and privilege are complete defenses to any libelous actions. Unless the publication of the truth was purely malicious, the publisher is able to avoid all liability. The concern here, however, is with the second defense against libel
---that the communication was privileged. When the concept of privilege was previously discussed, it was in reference to its use to prevent the release of records on demand. Here the concept of privileged communication is used to defend school personnel who voluntarily released student information.

The defense of privilege rests upon the idea that the publisher is operating in the furtherance of some interest of social importance which warrants protection even at the expense of unrequited harm to another individual's reputation. Although privileged communications may be absolute or qualified, school personnel are seldom afforded the absolute privilege unless their utterances come in a court testimony and are made in connection with their official duties.

According to Prosser (1971), there are several types of disclosure which are protected by a qualified privilege. In general, these are situations in which the interest which the publisher is seeking to substantiate is viewed as possessing an intermediate degree of importance. These situations are as follows:

1. Interest of the publisher: the publisher is entitled to release defamatory material for the protection or advancement of his own legitimate interests. Consequently, he may publish, in an appropriate manner, anything which is necessary to protect his own reputation.

2. Interest of others: if the publisher has reason to believe that the publication of defamatory material is necessary in order to protect another who is unable to protect himself, he is justified in
doing so. He must, however, guard against officious intermeddling or divulging information to one whose interest is merely idle curiosity.

3. Common interest: where the publisher and recipient enjoy a common interest and the nature of the communication is seen as protecting or furthering it, a conditional privilege is recognized.

4. Communications to one who may act in the public interest: this concept involves releasing information to those whose official action to protect some interest of the public is anticipated. For example, communications from one public official to another during the performance of official duties.

5. Fair comment on matters of public concern: this refers to commentaries presented in a reasonable manner referring to matters of public interest.

6. Reports of public proceedings: this concept involves revealing to the public the nature of official or public events.

Whenever the publisher exceeds the parameters of the privilege or otherwise prostitutes the occasion, the immunity is forfeited. Hence, the publication of irrelevant defamatory material renders the publisher liable.

In order to determine the nature of a given communication, the relationship of the person hearing or reading the defamatory words to the person allegedly defamed must be ascertained. In Everett v. McKinney, the court held that the qualified privilege extends to all communications made in good faith upon any subject matter in which the party communicating has an interest or has a duty to the
person receiving the communication who also has a corresponding in-
terest or duty.

Defamation Litigation. In many instances the communications of
school personnel are not libelous, but display instead an absence of
professional control or courtesy as evidenced by the events of the
Wynne case. The following are court decisions regarding defamation in-
volveing school employees. Further, they illustrate the general prin-
ciples of libelous defamation.

In Dixon v. Allen, a teacher in a preparatory school for per-
sons seeking to become teachers argued that she was properly commu-
nicating to the people of the state when she published the following
in a daily newspaper:

by her conduct in class, by her behavior in and around the
building, and by her spirit, as exhibited in numberless per-
sonal interviews, she has shown herself tricky and unreliable
and almost destitute of those womanly and honorable charac-
teristics that should be the first requisite in a teacher.

In ruling in favor of Dixon, the courts held that the words "tricky
and unreliable" were unambiguous and actionable. Inasmuch as no
worthy purpose was served by the teacher in publishing the words,
Dixon was entitled to damages sufficient to restore her to her
original condition.

In accordance with state law, the principal of a district
school kept a register of the daily attendance and grades of pupils
attending his school. At the close of the school year, Billings-
ley had the register delivered to the clerk of the school board
where it was read by various other persons. Notations in the
register opposite Dawkins' name included "drag all the time" and "ruined by tobacco and whisky." The principal was judged to have exceeded his responsibility when he included erroneous and exaggerated information and was held in damages for having done so (Dawkins v. Billingsley).

In Basket v. Crossfield, parents took action against school officials who told them that their son had been charged with indecent exposure. The court ruled that since there was no evidence of malice, the communication to the parents was within the privilege and no liability was attached.

In Kenny v. Gurley, parents took action against school officials who had informed them that their daughter had venereal disease. The notice sent to the home was accompanied by a doctor's letter to which the dean of women affixed a note stating that the doctor's diagnosis suggested that the student "had not been living right." The doctor's diagnosis was later proven to be in error, but neither the doctor nor the dean was held liable. Despite the fact that a mistake had been made, the statements were considered privileged because they had been sent to the parents. The doctor and the dean had a duty to inform them.

In Forsythe v. Durham, the New York Court of Appeals found no evidence that Durham acted "with a wanton and reckless disregard" of Emma Forsythe's rights or "otherwise than in good faith." The court ruled that the high school principal's duty required him to communicate to the board of education the fact that rumors con-
cerning Erma were being circulated among the students and teachers. In the absence of malice, Durham's communications were not liable for damages.

In Iverson v. Frandsen, the court ruled that a psychologist who called a student a "high-grade moron" was not liable. The decision of the court was ostensibly based on the fact that the psychologist was giving his best professional judgment and his statement was found in a report requested by and sent to school officials who had an interest in and a responsibility to the student.

Counsel to the New York Commissioner of Education has ruled on the question of defamation. After Commissioner Nyquist had rendered his decision in the Appeal of Thibadeau, he requested a legal opinion on the possibility of libel suits as a result of the release of student records to parents. The legal opinion stated that a carefully worded professional opinion rendered in the line of duty by a principal, teacher, guidance counselor or psychologist, which was made in good faith and related to the educational process and respectful of the rights of the person or persons involved, was protected by a qualified privilege against civil actions for damages based on libel ( Formal Opinion of Counsel, 1960).

In the case of Elder v. Anderson, the above criteria were not met. Here, parents sued the school superintendent and the trustees who sent a memorandum to parents in the area stating that they (the superintendent and the trustees) would make the public knowledgeable of the serious violations of manners, morals, and discipline that
were allegedly the direct results of the influence of two boys whom they (superintendent and trustees) specifically named in the memorandum. The Superior Court of Fresno County dismissed the action. However, the plaintiff appealed, and the District Court of Appeals upheld the student's right to damages for the improper release of information about him.

With the exceptions of Dixon, Dawkins and Elder, each case cited here upholds the qualified privilege because the information being transmitted is transmitted between parties with an interest in and a responsibility to the student. In the cases of Dixon, Dawkins, and Elder, these criteria were not met. The defendants communicated information to individuals who had no interest in or responsibility to the students who were named in the publication. In opposition, there have been instances in which school personnel were involved in litigation concerning their failure to communicate certain information.

In Bogust v. Iverson, the parents of Jeannie Bogust brought suit against the director of student personnel for the wrongful death of their daughter who had committed suicide. The suit alleged the director was negligent in failing to secure psychiatric treatment for their daughter, in suggesting termination of further interviews with her regarding her problems and failing to advise her parents of her emotional disturbance. The Supreme Court of Wisconsin ruled that the complaint alleging negligence was insufficient to state a cause of action. Even assuming he had secured psychiatric treatment for Jeannie
or that he had advised her parents of her emotional condition or that he had not suggested termination of the interviews, the court noted, it would require speculation for a jury to conclude that under such circumstances she would not have taken her life.

In contrast, the New York City school district was ordered to pay for the negligence of a principal in Ferraro v. Board of Education. In this instance, when a student was injured in an unprovoked attack by a classmate, the court ruled that since the principal knew of the assaultive tendencies of the aggressor, he was negligent when he failed to alert the substitute teacher of this danger. The court stated that this failure to communicate the necessary information deprived the teacher of an opportunity to implement appropriate supervisory and precautionary measures.

LITERATURE ON BOARD POLICIES AND STUDENT RECORDS

Research Studies. Indications are that the educational community sorely lacks a definitive and workable policy which deals effectively with the collection, maintenance, access and release of student information. Consequently, there have been intrusions into the privacy of pupils and their families who are additionally subjected to the unauthorized release of unique and individual information. Until recently, a pupil's privacy was protected by the ineptness of information systems. This inefficiency, however, has been substantially reduced and litigation concerning student records is on the increase.
 Appropriately, several researchers have attempted to determine the extent to which school districts administer student records in accordance with some type of board policy. The results are as follows:

Of the 160 school districts in Pennsylvania surveyed by Barone (1970), only 46 districts reported having written policies defining the maintenance and release of information about pupils. Of the others, only 12 indicated that they were operating in accordance with a verbal agreement. As mentioned earlier, 122 of the school districts reported that non-professional employees had access to student records. Approximately half of these districts also reported that non-professional employees were authorized to release student information to third parties other than a student's parents. 96 of the districts indicated that student information is made available over the telephone.

In their attempt to determine school policies concerning confidential information, the National Accreditation Council (Cole, 1973) conducted a survey among 50 residential schools for the blind. Of the 48 schools who responded, it was found that only 11 schools had a written policy concerning the handling of confidential information regarding the student and his family. Of the remaining 37 schools who had no policy, only 14 stated that they planned to develop such a policy. In accordance with other studies dealing with access, certificated or licensed school personnel had the greatest access to all student records. 24 schools reported that they allowed no parental access and 56 schools reported a similar policy for students. Indicating the inconsistencies intertwined in the warp and woof of
bureaucratic inefficiency, 20 schools reported following a dual policy of not permitting parental access to student records yet requiring parental permission to grant requests for the same information to others.

Finally, in the study reported by Boyd et al. (1973), of the 936 counselors who participated in this survey, slightly more than half of the respondents reported that their school districts had established written policies relative to the release of pupil personnel information. These counselors reported withholding specific information regarding aptitude and achievement test information significantly more often than those districts having no written policies. Antithetically, while information concerning family, peer and other personal concerns was most often withheld from requesting sources, complete confidentiality was rarely achieved.

The educational community's serious want of an explicit guide to circumvent the complexities of accumulating and disseminating information about students is readily apparent from the above research. Developments in recent years have forced changes in the administration of student records. However, in reacting to the imposed modifications, school authorities have generally responded with a variety of individual interpretations of the requirements of law. Professional organizations, representing such school personnel as secretaries, teachers, counselors, principals and psychologists, have either failed to address any of the numerous issues relating to student information or drafted formal statements of opinion which describe the appropriate
demeanor of its membership. In the absence of a license, these ethical pronouncements are merely resolutions which lack the force of law and consequently offer no professional sanctions which may be brought to bear on transgressors.

**Policy Recommendations.** Many recommendations as to the proper administration of student records have been offered by both individuals and groups. Heayn and Jacobs (1967) described the diverse types of cumulative record information; offered recommendations for the classification of such information; and proposed some excellent suggestions for responding to requests for information from the student's family, the professional staff and outsiders. Although issue may be taken with various aspects of their suggestions, Heayn and Jacobs' proposals provided a model in an area which had received little or no attention prior to their efforts. Nevertheless, their recommendations probably never enjoyed the publicity of those of the Russell Sage Foundation.

Alarmed by the absence of a universally adopted code of professional ethics and the surge of litigation relating to student records, the Russell Sage Foundation convened a conference in May, 1969 on the ethical and legal aspects of school record-keeping. The participants included researchers, school administrators, counselor educators, counselors and lawyers. The major recommendations are briefly summarized here:

No information should be collected about pupils without the informed consent of parents and, in some cases, the child. Whether such consent should be obtained individually or through the parents'
representatives (for example, the school board) depends on the informa-

tion.

Information should be classified. Only the minimum should appear
on the permanent record card. The rest should be periodically reviewed
and, if inappropriate, destroyed. Further, there should be limited
access to the more expanded data.

Schools should establish procedures to verify the accuracy of
all data in their records on a pupil.

Parents should have full access to their child's records. Pa-
rents should have the right to challenge the accuracy of the infor-
mation found in these records.

No agency or persons other than school personnel who deal di-
rectly with the child concerned should have access to pupils' re-
cords without permission of the parents or the pupil, except in the
case of a subpoena (Guidelines, 1969).

Among school personnel, these guidelines have undoubtedly pro-
moted careful discussion and analysis regarding record-keeping prac-
tices and further inspired many variations in their interpretation.

While these recommendations have been welcomed by many educators as
an aid to ethical practice, others have raised serious criticisms.

In the final analysis, the Russell Sage Guidelines were like any other
ethical pronouncements whose adoption is left to the discretion of
each individual district. It remained for some agency to provide the
incentive needed to induce school districts to adopt record-keeping
practices which respected the rights of students and their families.
Prompted by their hostility to certain aspects of largely experimental federal/state teaching programs, parents in conjunction with the National Committee for Citizens in Education launched a successful lobby to get the federal government to address the issue of student records. The source of irritation was the lengthy personal questionnaires employed by program officials which sought information about pupil's home life, racial and sexual attitudes and relationships with others in stress situations. The fruit of their labors was introduced on the Senate floor by Senator James Buckley and was detailed in a section of an omnibus education bill designed to extend and amend the Elementary and Secondary Education Act of 1965.

Originally the House of Representatives had rejected the right of parents to inspect their children's school records. However, after the Senate approved a compromise version of the bill, the House reversed its position and the bill was submitted to President Nixon for his signature on August 1, 1974. Because of the high monetary levels authorized for some programs, it was felt that President Nixon would veto the bill as he had done to similar measures in the past. Owing to this circumstance, Representative Albert H. Quie conferred with then Vice-President Ford and enlisted his support in inducing President Nixon to accept the bill. However, before he could give the bill the attention it deserved, Richard M. Nixon chose to become the first United States President to become a private citizen via resignation. During his first address to the nation, President Ford indicated he would sign the school aid bill into law. On August 21, 1974, the
federal government was authorized to withhold federal funds from educational institutions or agencies who failed to comply with the dictates of the Family Educational Rights and Privacy Act of 1974. The bill is applicable to "any State or local educational agency, any institution of higher learning, any community college, any school, preschool, or any other educational institution" (United States Congress, 1974). Briefly summarized, the act provides the following guidelines:

A. Right of Access and of a Hearing

1. Bars funds where parental access to any and all official records related to their children is denied.

2. Parents must be provided an opportunity for a hearing to challenge, correct or delete inappropriate data within forty-five (45) days after a request has been made.

B. Conditions for the Release of Personal Data

1. Bars funds where records are released without written consent of the parent. Exceptions:
   a. other local school officials with legitimate interests
   b. officials of other schools or systems where the student intends to enroll, but parents, if they desire, may receive a copy of the record and an opportunity for a hearing to challenge the content of the record.

2. Bars funds where records are released to other than (a) and (b) above unless:
   a. written parental consent specifying records to be released, reasons for the release and to whom, with
a copy being given to parents and students if the parents desire it.

b. if information is given in compliance with judicial order, parents must be notified of subpoena prior to compliance.

3. Research data and reports shall not include names of students or parents without consent except where:
   a. student applies for financial aid
   b. compliance with a subpoena

4. a. Regarding subsections (B)(1), (2) and (3) above, those desirous of access must sign a form (to be kept permanently but only open to inspection by the student or his parents) indicating the legitimate interest in seeking the information.
   b. Information shall be given to third parties only if such party will not release the information to others without parental or student consent.

C. Protection of Personal Data

The Secretary shall adopt appropriate measures to protect the rights of privacy of students and their families in connection with any data gathering activities conducted, assisted or authorized by the Secretary or head of an educational agency. Regulations must control the use, dissemination and protection of such data. Data gathering activities must be provided by Act.
D. After age 18, rights belong exclusively to the student.
E. Bars funds unless parents or 18 year-olds are advised of the rights accorded to them.
F. The Secretary shall take appropriate actions to enforce these provisions and deal with violations.
G. The Secretary establishes a review board within the Department of Health, Education and Welfare to deal with violations.
H. Funds promised prior to the effective date shall cease January 1, 1975 if the recipient fails to meet the conditions for funding established by this section.

SUMMARY OF THE LITERATURE

Student records have evolved to the extent that the information which is included in a student's cumulative folder is in excess of legitimate academic concerns. School records currently include sensitive information of a personal nature which is too often disclosed without parental or student authorization. Both practices, the unrestrained collection and the unsanctioned release of student information, directly conflict with the Constitutional right of privacy afforded to students and their families. Litigation concerning student records has increased and members of the educational community have belatedly expressed a desire to administer student records in such a manner as to observe and respect the rights of students and their families. Unfortunately, research studies indicate that student records are seldom administered in accordance with written school board
policy. Consequently, the rights of students and/or their families are often not observed and the administration of student records is left to the prudence of state boards of education and/or individual school districts. Recently, however, the federal government has passed legislation which makes it possible for financial aid to be withheld from those school districts who administer student records in such a manner as to abridge the student's and/or his family's right of privacy. At this juncture, a descriptive account of Ohio's student record-keeping practices will be reported and concurrently compared to the dictates of the Family Educational Rights and Privacy Act of 1974 (FERPA).
CHAPTER III

METHODOLOGY

The purpose of the present study is to provide a descriptive account of the student record-keeping practices as they currently exist in Ohio. Additionally, in consideration of the recent passage of the Family Educational Rights and Privacy Act of 1974, this study seeks to illuminate the discrepancies which might exist between the guidelines of the Act and the reported record-keeping practices of Ohio's school districts. In order to achieve these goals, the following questions must be answered:

1. With regard to their collection, maintenance, access and release, how do Ohio school districts administer student records?

2. Does geographic location and/or municipal designation affect a district's administration of student records?

3. Does the existence or non-existence of a written board policy concerning the collection, maintenance or release of student records affect a district's administration of such records?

4. Does the size of student enrollment affect a district's administration of student records?

Sample. Since Ohio is composed of socially, economically and politically disparate regions, the state was divided into five distinctive geographical areas. The actual components (See Appendix A) and their designations are as follows: 1. Northwest (18 counties);
2. Northeast (17 counties); 3. Central (18 counties); 4. Southwest (17 counties); and 5. Southeast (18 counties).

As of the first full week of October, 1973, Ohio's public school enrollment was 2,378,349. These students were distributed throughout the state's 626 city, exempted village and local school districts. Since 95.7% of the school districts in Ohio have student enrollments below 10,000 and since a representative sample population was desired, a stratified sampling technique was employed. Accordingly, the three types of districts were divided into the 3 enrollment groups shown in Table 1.

<table>
<thead>
<tr>
<th>Enrollment Group</th>
<th>City</th>
<th>Exempted Village</th>
<th>Local</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,001 and above</td>
<td>24</td>
<td>1</td>
<td>2</td>
<td>27</td>
</tr>
<tr>
<td>2,501 - 10,000</td>
<td>129</td>
<td>14</td>
<td>99</td>
<td>242</td>
</tr>
<tr>
<td>2,500 and below</td>
<td>29</td>
<td>34</td>
<td>294</td>
<td>357</td>
</tr>
<tr>
<td>TOTALS</td>
<td>182</td>
<td>49</td>
<td>395</td>
<td>626</td>
</tr>
</tbody>
</table>

Each school district's enrollment was checked to determine its enrollment group category and the districts were assigned accordingly. The districts were then checked to ascertain the appropriate geographical area assignment. Inasmuch as a mailed questionnaire (See Appendix B) was employed to gather information and mindful of the possibility of a
low return rate, at least 40% of each enrollment group per municipal
designation was randomly selected for inclusion in the sample. In those
instances where the enrollment group within a given geographical area
was small (4 or less), the entire enrollment group was included. Using
this procedure, 348 (55%) of the state's 626 school districts were se-
lected and all 88 counties were represented.

Questionnaires were initially mailed to district superintendents
on May 3, 1974. Follow-up questionnaires were mailed on May 24, 1974.
Of the 348 districts surveyed, 297 returned usable questionnaires. This
represents 85.34% of the districts surveyed and 47.44% of the total
number of school districts in Ohio. An analysis of the respondents ac-
cording to municipal designation and student enrollment group is shown
in Table 2.

<table>
<thead>
<tr>
<th>Enrollment Group</th>
<th>City</th>
<th>Exempted Village</th>
<th>Local</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,001 and above</td>
<td>15</td>
<td>1</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>2,501 - 10,000</td>
<td>63</td>
<td>15</td>
<td>43</td>
<td>121</td>
</tr>
<tr>
<td>2,500 and below</td>
<td>17</td>
<td>25</td>
<td>117</td>
<td>159</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>95</strong></td>
<td><strong>41</strong></td>
<td><strong>161</strong></td>
<td><strong>297</strong></td>
</tr>
</tbody>
</table>

**Instrumentation and Codification.** District superintendents were
sent questionnaires designed to describe the student record-keeping
practices in operation in their districts. Information concerning general policy, informing policy, pupil record accessibility and dissemination policy was collected. Certain items within the questionnaire, identified principally from the literature, were selected and assigned values and used to quantify the respondent's responses. The higher a respondent's score, the closer that district's student record-keeping practices conform to the ideal. That is, in the administration of student records, the rights of the student and his family are observed and respected. For example, parents and students are given access to their records, their consent is required for release, opportunities are provided to challenge information included in the file, records are not retained for excessive periods of time, etc. The questions selected and the values assigned to them are presented in Appendix B. There was a possible 122 points and respondents' scores ranged from 28 to 98.

Variables. The variables in operation in this study are listed below.

1. Municipal Designation: This refers to the type of school district.
   a. city
   b. exempted village
   c. local

2. Region: This variable category refers to geographic location.
   d. northwest
   e. northeast
   f. central
3. Policy Type:
   i. official board policy—a written policy concerning school
      records formally adopted by the board of education.
   j. unofficial board policy—a written policy concerning
      school records not formally adopted by the board of education.
   k. no policy—no written policy concerning school records.

4. Population Size: This refers to the number of students enrolled in the school district.
   l. 10,001 and above
   m. 2,501 to 10,000
   n. 2,500 and below

**Statistical Analysis of the Data.** Responses were tabulated for frequencies and converted into percentages. In selected instances, the Chi Square statistic was used to test for significant differences in population proportions. After respondents' total scores on the questionnaire were tabulated, the Kruskal-Wallis statistic, recommended by Hollander and Wolfe (1973), was used to make the following comparisons:

1. all possible comparisons of cities among regions
2. all possible comparisons of exempted villages among regions
3. all possible comparisons of locals among regions
4. all possible comparisons among regions
5. all possible comparisons among districts with official, unof-
ficial or no board policy regarding the collection of student records

6. all possible comparisons among districts with official, unofficial or no board policy regarding the maintenance of student records

7. all possible comparisons among districts with official, unofficial or no board policy regarding the release of student records

8. all possible comparisons among districts whose student enrollments were above 10,001, between 2,501 and 10,000 or below 2,500

Multiple comparisons based on the Kruskal-Wallis rank sums were used when subgroups were found to differ significantly.
CHAPTER IV

RESULTS AND DISCUSSION

The data collected from the 297 respondents were used both to describe existing student record-keeping practices in Ohio schools and to compare the various subgroup divisions to one another in an attempt to detect possible differences in student record-keeping practices. Three statistical procedures were used to analyze the data. First, frequencies and percentages were used to describe the responses of the entire sample. Second, the Chi Square statistic was used to test for significant differences in population proportions. Finally, the Kruskal-Wallis statistic was used to test the significance of the differences among the various subgroups which were compared. Whenever differences were found to be significant, multiple comparisons based on the Kruskal-Wallis rank sums were used. Although numerous procedures are employed to report the data, the nature of the results dictates that the discussions would best occur after the total analysis and at the end of all subgroup comparisons.

1. Total Data Analysis. Although the responses to the total questionnaire is reported, because of its length, the responses to the entire questionnaire are found in Appendix C. Tables 3 thru 6 provide the most pertinent data concerning the student record-keeping
practices of Ohio school districts. The items reported in the tables are numbered to correspond with their placement in their respective sections of the entire questionnaire.

General Policy: The report of the districts' general policy concerning student records is provided in Table 3. 242 (81.5%) of the districts indicate that they feel a written policy concerning the collection, maintenance and release of student information is necessary. However, in regards to the administration of student records according to official board policy, only 63 (21.2%) have a policy concerning collection, 70 (23.6%) have a policy concerning maintenance and 74 (24.9%) have a policy concerning release. 183 (61.6%) of the districts report there are no procedures in existence which allow parents or students to challenge the accuracy of information which districts report is most often placed on the student's permanent record card. When information is retained after a student leaves the district, with the exception of disciplinary records, administrators reports, anecdotal information, reports of narcotics use and reports from the social worker or police, the overwhelming tendency is to retain student information in excess of 50 years. Where the exceptions occur, districts are generally equally divided between retaining information from 1 to 10 years or longer than 50 years. Only 68 (22.9%) of the districts report the usage of computers in recording and maintaining student records. Most of the information involved pertains to the student's academic record and achievement or I.Q. test scores.

Informing Policy: The report of the districts' informing policy


### GENERAL POLICY

1. Do you feel that written policy defining the collection, maintenance and release of student information is necessary?

   - **YES** 242 (81.5%)
   - **NO** 55 (18.5%)

2. Please check the appropriate box concerning your district's policies on student records.

<table>
<thead>
<tr>
<th></th>
<th>OFFICIAL BOARD POLICY</th>
<th>UNOFFICIAL BOARD POLICY</th>
<th>NO POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection</td>
<td>63 (21.2%)</td>
<td>104 (35.0%)</td>
<td>130 (43.8%)</td>
</tr>
<tr>
<td>Maintenance</td>
<td>70 (23.6%)</td>
<td>111 (37.4%)</td>
<td>116 (39.0%)</td>
</tr>
<tr>
<td>Release</td>
<td>74 (24.9%)</td>
<td>113 (38.1%)</td>
<td>110 (37.0%)</td>
</tr>
</tbody>
</table>

3. Are procedures in existence which allow parents or students to challenge the accuracy of any information contained in their records?

   - **YES** 114 (38.4%)
   - **NO** 183 (61.6%)

   *If "YES" please check the appropriate slot(s) below.

   - PARENTS 105 (92.1%)
   - STUDENTS 76 (66.6%)

   **Percentage of those with procedures**

7. Does your school district use computers to record or maintain student records?

   - **YES** 68 (22.9%)
   - **NO** 229 (77.1%)

---

containing student records is provided in Table 4. 195 (65.7%) of the districts report that written informed consent is required before uni-
que or individual data is collected. Districts were equally divided on
the practice of securing parent consent via telephone or letter before
collecting unique or individual data. 258 (86.9%) of the districts re­
port that parents and students are directly informed of the probable
uses and nature of the unique and individual data collected. 196 (66.0%)

TABLE 4

<table>
<thead>
<tr>
<th>INFORMING POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is direct (in person, parent or student) written informed consent required before unique and individual data is collected? (e.g. psychological evaluation)</td>
</tr>
<tr>
<td><strong>YES</strong> 195 (65.7%)</td>
</tr>
<tr>
<td>2. Is indirect (by telephone or letter) parent consent required before unique and individual data is collected?</td>
</tr>
<tr>
<td><strong>YES</strong> 149 (50.2%)</td>
</tr>
<tr>
<td>3. Are parents or students directly (in person) informed of the probable uses and nature of unique and individual data collected? (e.g. psychological evaluation)</td>
</tr>
<tr>
<td><strong>YES</strong> 258 (86.9%)</td>
</tr>
<tr>
<td>6. Is consent implied for collection of all pupil data when a pupil is enrolled in your school district?</td>
</tr>
<tr>
<td><strong>YES</strong> 196 (66.0%)</td>
</tr>
</tbody>
</table>

of the districts report that enrollment is tantamount to implied consent
to collect pupil data.

Pupil Record Accessibility: The report of the districts' pupil
record accessibility policy is provided in Table 5. When parental con-
TABLE 5

PUDDL RECORD ACCESSIBILITY

1. Please indicate who has access to the following types of information by checking the appropriate box. Please assume that parental consent has not been obtained and that there are no subpoenas involved.

<table>
<thead>
<tr>
<th></th>
<th>Have access to entire file on request</th>
<th>Does not have access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupils</td>
<td>43 (14.5%)</td>
<td>70 (23.5%)</td>
</tr>
<tr>
<td>Parents</td>
<td>67 (22.5%)</td>
<td>29 (9.8%)</td>
</tr>
<tr>
<td>All Professional Staff</td>
<td>114 (38.4%)</td>
<td>28 (9.4%)</td>
</tr>
<tr>
<td>Professional Staff</td>
<td>168 (56.6%)</td>
<td>4 (1.3%)</td>
</tr>
<tr>
<td>Non-Professional Staff</td>
<td>6 (2.0%)</td>
<td>228 (76.8%)</td>
</tr>
<tr>
<td>Community Agencies</td>
<td>2 (.7%)</td>
<td>156 (52.5%)</td>
</tr>
<tr>
<td>Local Police FBI/CIA</td>
<td>12 (4.0%)</td>
<td>77 (25.9%)</td>
</tr>
<tr>
<td>Juvenile Court</td>
<td>22 (7.4%)</td>
<td>59 (19.9%)</td>
</tr>
</tbody>
</table>

2. Are those who have access to your student records able to view the records for themselves?

   YES 199 (67.0%)  NO 98 (33.0%)

3. Are the student records only interpreted to those who have access to them by certificated personnel?

   YES 220 (74.1%)  NO 77 (25.9%)

4. Are those who have access to your student records able to obtain copies of the records?

   YES 111 (37.4%)  NO 186 (62.6%)
sent has not been obtained and subpoenas are not involved, the respond-
dents report that in most instances, special permission from the prin-
cipal or counselor is required before access is granted to any part of
a student's records. 168 (56.6%) of the districts report that the pro-
fessional staff involved has access to the entire file on request,
while 114 (58.4%) report this is true for the entire professional staff.
62 (22.5%) report they extend this courtesy to parents while 43 (14.5%)
do so for students. 228 (76.8%) of the districts reporting deny access
to non-professional staff members and 156 (52.5%) deny access to com-
munity agencies. 199 (67.0%) districts report that those who have ac-
cess may view the records themselves, yet 220 (74.1%) districts report
that information is only interpreted by certificated personnel. 186
(62.6%) districts report that those who have access are unable to ob-
tain copies of the record.

Dissemination: The report of the districts' dissemination policy
concerning student records is provided in Table 6. Districts report
that administrators, counselors, psychologists, teachers and secretaries
are authorized to release student information. 288 (97.0%) districts
honor written requests for information; 241 (81.1%) honor in person re-
quests; and 110 (37.0%) disclose student information over the tele-
phone. 213 (73.4%) districts report that they maintain a record of
where copies of a student's records are sent. In 15 of the 17 cate-
gories presented, districts in the sample population indicate that
their greatest inclination is not to require parent or student con-
sent before student information is released. Parental consent is most
TABLE 6

DISSEMINATION POLICY

2. Which of the following requests for student information are honored? Please check all which apply.

<table>
<thead>
<tr>
<th>Request</th>
<th>Parent</th>
<th>Pupil</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRITTEN</td>
<td>228 (97.0%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IN PERSON</td>
<td>241 (81.1%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHONE</td>
<td>110 (37.0%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Does your school district maintain a record of persons or agencies to whom copies of a student's records are sent?

| Record Maintenance | YES 218 (73.4%) | NO 79 (26.6%) |

4. Please indicate from whom consent is required before the following data is released.

<table>
<thead>
<tr>
<th>Data</th>
<th>Parent</th>
<th>Pupil</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Academic Record</td>
<td>32 (10.8%)</td>
<td>96 (32.3%)</td>
<td>99 (33.3%)</td>
</tr>
<tr>
<td>Reports from Other Schools Attended</td>
<td>37 (12.5%)</td>
<td>66 (22.2%)</td>
<td>111 (37.4%)</td>
</tr>
<tr>
<td>Standardized Achievement Test Scores</td>
<td>43 (14.5%)</td>
<td>68 (22.9%)</td>
<td>99 (33.3%)</td>
</tr>
<tr>
<td>Psychological Reports &amp; Records</td>
<td>93 (31.3%)</td>
<td>61 (20.5%)</td>
<td>61 (20.5%)</td>
</tr>
<tr>
<td>Individual or Group I.Q. Test Scores</td>
<td>60 (20.2%)</td>
<td>68 (22.9%)</td>
<td>80 (26.9%)</td>
</tr>
<tr>
<td>Anecdotal Information (From Staff Personnel)</td>
<td>28 (9.4%)</td>
<td>37 (12.5%)</td>
<td>92 (31.0%)</td>
</tr>
<tr>
<td>Personal &amp; Family Information</td>
<td>79 (26.6%)</td>
<td>48 (16.2%)</td>
<td>61 (20.5%)</td>
</tr>
</tbody>
</table>

often sought when psychological reports and records (93 or 31.3%) or personal and family information (79 or 26.6%) are involved. In no instance is the student's consent required most often prior to the re-
lease of student information. Nevertheless, of the 17 categories, the greatest number of districts (96 or 32.3%) report the student's consent is required when the information to be released pertains to the student's academic record.

Discussion: Using the Chi Square statistic, it is determined that significantly more than one-half of the school districts acknowledge the necessity of written policies defining the collection, maintenance and release of student information ($X^2 = 117.74, df = 1, p = .001$). It is therefore alarming to note that significantly less than one-half of the districts administer student records **without a written policy** concerning the collection ($X^2 = 4.60, df = 1, p = .05$), maintenance ($X^2 = 14.2, df = 1, p = .001$) or release ($X^2 = 19.96, df = 1, p = .001$) of student information. One can only speculate as to whether this phenomenon was due to mere lip service being paid to the issue or to some other cause. Whatever the reason, many questionable practices and inconsistencies are observable in the data.

As can be observed from Appendix C (page 140), 112 districts require parents to obtain special permission before access to any part of their child's file is granted; in 67 districts, parents have access to their child's entire file; 59 districts allow parents access to the permanent record card on request and to the entire file after special permission has been secured; 29 districts do not allow parents access to any of their children's files; and 24 districts allow parents to have access to the permanent record card only. Using the Chi Square statistic, it is determined that these frequencies are significantly
different from those to be expected if the categories are equally re-
represented in the population ($X^2 = 84.182, \text{df} = 4, p = .001$).

Similarly, 102 districts require students to obtain special per-
mission before access to any part of their files is permitted; 70 dis-
tricts do not permit students access to any part of their file; 46 dis-
tricts permit students access to the permanent record card on re-
quest and to the entire file after special permission has been received;
in 43 districts, students are permitted access to their entire file on re-
quest; and 29 districts permit students access to the permanent re-
cord card only. Using the Chi Square statistic, it is determined that
this distribution is significantly different from those to be expected
if the categories are equally represented in the population ($X^2 = 55.53,
\text{df} = 4, p = .001$).

Parental or student access is of dubious value when, using the
Chi Square statistic, it is determined that significantly more than one-
half of the school districts do not have procedures in existence which
allow parents and/or students to impugn the credibility of student in-
formation which is most often retained on the permanent record card
($X^2 = 16.03, \text{df} = 1, p = .001$). This practice is particularly egre-
gious when it is realized that when districts retain this information
after the student has left the district, the tendency is to do so in
excess of 50 years. Additionally, unless the information requested
pertains to psychological reports and records, or personal and family
information, the districts in the sample population report they are
heavily in favor of leaving the disclosure of student information
solely to the discretion of school personnel.

The above practices are of the utmost importance not only because they reflect a lack of concern for the accuracy of student information, but they also blatantly violate the rights of students and their families to choose the circumstances and extent to which they wish to share or withhold information concerning themselves. Districts acting in this manner are at variance with the Family Educational Rights and Privacy Act of 1974. This act empowers the federal government to withhold funds from any educational agency that:

a. denies parents the right to examine and scrutinize any and all official records and information concerning their children, including all material incorporated into the student's cumulative record.

b. permits the release without written parental consent of student information in which the identity of the child or his parents is recognizable, with exceptions for specific educational purposes.

Contrary to the direction provided by the act, school districts readily report that unless the information involved pertains to psychological reports or personal and family information, the release of student information is left to the prudence of school officials. Parental or student consent is seldom a prerequisite for the release of student information.

The act also dictates that students and parents be provided with an opportunity to correct or remove inaccurate, misleading or inappro-
appropriate data. In opposition to this, a significant number of districts report that there are no procedures in existence to challenge the accuracy of information contained in a student's school records. It is all too obvious that appropriate measures to protect the rights of privacy of students and their families have not been adopted. Since these injustices are so evident, it is fortunate that significantly less than one-half of the districts report that they do not use computers to record or maintain student records \( (X^2 = 87.27, df = 1, p = .001) \).

With regard to reported inconsistencies, at least three instances are in evidence. First, by using the Chi Square statistic, it is determined that significantly more than one-half of the districts report that direct written informed consent is required before unique and individual data is collected \( (X^2 = 29.12, df = 1, p = .001) \). Yet, in contrast, significantly more than one-half of the districts report that enrollment in the district is interpreted as implied consent to collect all pupil data \( (X^2 = 30.38, df = 1, p = .001) \).

Second, significantly more than one-half of the districts report that those who have access to student information are able to view the records for themselves \( (X^2 = 34.34, df = 1, p = .001) \). In opposition, significantly more than one-half of the districts report that student records are only interpreted to those who have access to them \( (X^2 = 68.85, df = 1, p = .001) \).

Finally, significantly more than one-half of the districts report that those who have access to student records are unable to obtain copies of the student's records \( (X^2 = 18.93, df = 1, p = .001) \). Anti-
thetically, significantly more than one-half of the districts report that they maintain a record of to whom copies of the student's records are sent ($X^2 = 65.05, df = 1, p = .001$).

On the surface these reports are incongruous. However, it may be theorized that the closed technique of the questionnaire may have contributed to these incompatibilities. That is, since districts were not allowed to report peculiarities, there is the distinct possibility that responses were based on individual interpretations with specific instances in mind at the time of completing the questionnaire.

In all of the following comparisons, the scores achieved by the individual respondents in completing the questionnaire represent the numerical values employed to make the various subgroup comparisons. Hollander and Wolfe (1973) suggest that the Kruskal-Wallis statistic and the multiple comparisons based on the Kruskal-Wallis rank sums offer the best treatment of the data. Accordingly, these were the statistical procedures used to test the significance of the differences among the various subgroups.

2. **Hypothesis.** There are no differences in the reported student record-keeping practices among city school districts across regions.

   **Evidence.** A total of 95 city school districts were in the sample. 11 were in the northwest region, 31 were in the northeast region, 15 were in the central region, 25 were in the southwest region and 15 were in the southeast region. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, there is no evidence to indicate any significant differences among the reported
student record-keeping practices of the five populations. The Kruskal-Wallis statistic with the ties correction was 1.34; hence the smallest alpha level leading to rejection of the null hypothesis would be in excess of .80. The null hypothesis was therefore not rejected and it was concluded that there are no differences in the reported student record-keeping practices among city school districts across regions.

3. Hypothesis. There are no differences in the reported student record-keeping practices among exempted village school districts across regions.

Evidence. A total of 41 exempted village school districts were in the sample. 10 were in the northwest region, 14 were in the northeast region, 4 were in the central region, 7 were in the southwest region and 6 were in the southeast region. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, there is no evidence to indicate any significant differences among the reported student record-keeping practices of the five populations. The Kruskal-Wallis statistic with the ties correction was 4.522, hence, the smallest alpha level leading to the rejection of the null hypothesis would be in excess of .30. The null hypothesis was therefore not rejected and it was concluded that there are no differences in the reported student record-keeping practices among exempted village school districts across regions.

4. Hypothesis. There are no differences in the reported student record-keeping practices among local school districts across regions.
Evidence. A total of 161 local school districts were in the sample. 57 were in the northwest region, 37 were in the northeast region, 30 were in the central region, 39 were in the southwest region and 18 were in the southeast region. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, there is no evidence to indicate any significant differences among the reported student record-keeping practices of the five populations. The Kruskal-Wallis statistic with the ties correction was 3.621; hence, the smallest alpha level leading to rejection of the null hypothesis would be in excess of .40. The null hypothesis was therefore not rejected and it was concluded that there are no differences in the reported student record-keeping practices among local school districts across regions.

5. Hypothesis. There are no differences in the reported student record-keeping practices among the regions.

Evidence. A total of 297 school districts were in the sample. 58 were in the northwest region, 82 were in the northeast region, 49 were in the central region, 71 were in the southwest region and 37 were in the southeast region. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, there is no evidence to indicate any significant differences among the reported student record-keeping practices of the five populations. The Kruskal-Wallis statistic with the ties correction was 6.778; hence the smallest alpha level leading to rejection of the null hypothesis would be in excess of .13. The null hypothesis was therefore not rejected and it was concluded that there are no differences in the reported student record-keeping prac-
Hypothesis. There are no differences among the reported student record-keeping practices of districts with an official board policy, an unofficial board policy or no policy which pertains to the collection of student records.

Evidence. A total of 297 school districts were in the sample. 63 school districts (group A) reported having an official board policy pertaining to the collection of student records; 104 (group B) reported having an unofficial board policy; and 130 (group C) reported having no policy. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, the data indicates that at the .001 alpha level there is a significant difference among the reported student record-keeping practices of the three populations. The Kruskal-Wallis statistic with the ties correction was 32.573. The null hypothesis was therefore rejected. Using the multiple-comparison procedure based on the Kruskal-Wallis rank sums, we can determine that at the .001 alpha level there is no difference between the reported student records collection practices of group A and group B. However, group A and group B both differ significantly from group C. It is evident from the data that significant differences do indeed exist among the reported student record-keeping practices of districts with an official board policy, an unofficial board policy or no policy which pertains to the collection of student records.

Hypothesis. There are no differences among the reported student record-keeping practices of districts with an official board
policy, an unofficial board policy or no policy which pertains to the maintenance of student records.

Evidence. A total of 297 school districts were in the sample. 70 school districts (group A) reported having an official board policy pertaining to the maintenance of student records; 111 (group B) reported having an unofficial board policy; and 116 (group C) reported having no policy. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, the data indicates that at the .001 alpha level, there is a significant difference among the reported student record-keeping practices of the three populations. The Kruskal-Wallis statistic with the ties correction was 35.425. The null hypothesis was therefore rejected. Using the multiple-comparison procedure based on the Kruskal-Wallis rank sums, we can determine that at the .001 alpha level, there is no significant difference between the reported student records maintenance practices of group A and group B. However, group A and group B both differ significantly from C. It is evident from the data that significant differences do indeed exist among the reported student record-keeping practices of districts with an official board policy, an unofficial board policy or no policy which pertains to the maintenance of student records.

8. Hypothesis. There are no differences among the reported student record-keeping practices of districts with an official board policy, an unofficial board policy or no policy which pertains to the release of student records.

Evidence. A total of 297 school districts were in the sample.
74 school districts (group A) reported having an official board policy pertaining to the release of student records; 113 (group B) reported having an unofficial board policy; and 116 (group C) reported having no policy. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, the data indicates that at the .001 alpha level there is a significant difference among the reported student record-keeping practices of the three populations. The Kruskal-Wallis statistic with the ties correction was 33.072. The null hypothesis was therefore rejected. Using the multiple-comparison procedure based on the Kruskal-Wallis rank sums, we can determine that at the .001 alpha level, there is no significant difference between the reported student records release practices of group A and group B. However, group A and group B both differ significantly from group C. It is evident from the data that significant differences do indeed exist among the reported student record-keeping practices of districts with an official board policy, an unofficial board policy or no policy which pertains to the release of student records.

9. Hypothesis. There are no differences among the reported student record-keeping practices of districts whose student enrollment is above 10,001, between 2,501 and 10,000 or below 2,500.

Evidence. A total of 297 school districts were in the sample. 17 school districts (group A) reported student enrollments above 10,001; 121 (group B) reported enrollments between 2,501 and 10,000; and 159 (group C) reported enrollments below 2,500. Testing via the one-way analysis of variance using the Kruskal-Wallis statistic, the data indi-
cates that at the .001 alpha level there is a significant difference among the reported student record-keeping practices of the three populations. The Kruskal-Wallis statistic with the ties correction was 14.254. The null hypothesis was therefore rejected. Using the multiple-comparison procedure based on the Kruskal-Wallis rank sums, we can determine that at the .03 alpha level, there is no significant difference between the reported student record-keeping practices of group A and group B. However, group A and group B both differ significantly from group C. It is evident from the data that significant differences do indeed exist among the reported student record-keeping practices of districts whose student enrollment is above 10,001, between 2,501 and 10,000 or below 2,500.

Discussion: Based on all of the above data, there is no evidence to indicate that there are any significant variations in reported student record-keeping practices when the school districts throughout the state are divided according to their municipal designation and/or geographical location. The reported operations of these subgroup divisions (city, exempted village, local, geographical region) tend to approximate those of their respective counterparts. With regard to these subdivisions, the reported student record-keeping practices throughout the state are homogeneous.

In contrast, when these same school districts are divided according to official board policy, unofficial board policy or no policy which pertains to the collection, maintenance or release of student records, it becomes apparent that significant variations in
reported student record-keeping practices do indeed exist. In each comparison regarding the collection, maintenance or release of student records, it was found that those districts who achieved the highest scores on the questionnaire were those districts who reported administering student records in accordance with an official or unofficial board policy. These districts tended to conform most to the ideal of observing and respecting the rights of students and their families. Those districts who achieved the lower scores on the questionnaire were those districts who reported administering student records in accordance with no policy. These districts reported operating in a manner irrespective of the rights of students and their families.

These results were confirmed when the respondents were divided according to student enrollment. Here it was found that districts administered student records in a similar fashion if their enrollments were above 10,001 or between 2,501 and 10,001. Both of these enrollment groups administered student records differently from districts whose enrollments were below 2,500.

The three population groups were further analyzed to determine the number of districts within each group which had an official/unofficial board policy or no board policy which pertained to the collection, maintenance or release of student records. Table 7 shows the results of these tabulations. Using the Chi Square statistic, the data indicates that at the .005 alpha level there are significantly more than one-half of the school districts within the 2,501 to 10,000 and the above 10,001 population groups which report administering
TABLE 7

FREQUENCY DISTRIBUTION FOR POPULATION GROUPS
WITH OFFICIAL/UNOFFICIAL OR NO BOARD POLICY

<table>
<thead>
<tr>
<th></th>
<th>Below 2,500</th>
<th>2,501 to 10,000</th>
<th>Above 10,001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Collection</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official/Unofficial Policy</td>
<td>82</td>
<td>70**</td>
<td>15*</td>
</tr>
<tr>
<td>No Policy</td>
<td>77</td>
<td>51</td>
<td>2</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official/Unofficial Policy</td>
<td>88</td>
<td>77*</td>
<td>16*</td>
</tr>
<tr>
<td>No Policy</td>
<td>71</td>
<td>44</td>
<td>1</td>
</tr>
<tr>
<td><strong>Release</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official/Unofficial Policy</td>
<td>90</td>
<td>81*</td>
<td>16*</td>
</tr>
<tr>
<td>No Policy</td>
<td>69</td>
<td>40</td>
<td>1</td>
</tr>
</tbody>
</table>

N = 297

*Frequency is significant at the .005 alpha level

**Frequency is significant at the .09 alpha level

student records in accordance with an official or unofficial board policy pertaining to the collection, maintenance or release of student records. The only exception was the official/unofficial board policy pertaining to collection within the 2,501 to 10,000 enrollment group. Here the num-
ber of districts with a policy was significant at the .09 alpha level. Table 8 shows the Chi Square Values and their significant alpha levels. From this analysis it appears that at this point in time, board policies concerning the administration of student records is a phenomenon of the larger school districts.

SUMMARY OF RESULTS

The results of the data analysis indicates the following:

1. Significantly more than one-half of the districts reporting acknowledge the necessity of a written policy defining the collection, maintenance and release of student information.

2. Significantly less than one-half of the districts report administering student records without any type of written policy pertaining to the collection, maintenance or release of student information.

3. Districts report that parents and students are either not given access to the student file upon request or are given access only after special permission is obtained from school personnel.

4. Significantly more than one-half of the school districts report there are no procedures in existence which allow parents and/or students to challenge the accuracy of information included in their school files.

5. Unless the information involved pertains to psychological reports or personal and family information, student information is released without parent or student consent.
<table>
<thead>
<tr>
<th></th>
<th>Below 2,500</th>
<th>2,501 - 10,000</th>
<th>Above 10,001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COLLECTION:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$X^2 = 0.05, df = 1, p = 0.90$</td>
<td>$X^2 = 2.98, df = 1, p = 0.09$</td>
<td>$X^2 = 9.94, df = 1, p = 0.005$</td>
</tr>
<tr>
<td><strong>MAINTENANCE:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$X^2 = 2.05, df = 1, p = 0.20$</td>
<td>$X^2 = 9.00, df = 1, p = 0.005$</td>
<td>$X^2 = 13.23, df = 1, p = 0.005$</td>
</tr>
<tr>
<td><strong>RELEASE:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$X^2 = 3.06, df = 1, p = 0.10$</td>
<td>$X^2 = 13.89, df = 1, p = 0.005$</td>
<td>$X^2 = 13.23, df = 1, p = 0.005$</td>
</tr>
</tbody>
</table>
6. In the above areas (2 thru 5), Ohio school districts are in direct conflict with the Family Educational Rights and Privacy Act of 1974.

7. The only criterion which differentiates between how a district administers student records is the presence or absence of a written policy defining the collection, maintenance or release of student records. Districts without policies tended to administer student records irrespective of the rights of students and their families more-so than do districts who administered student records in accordance with a written policy.

8. Districts whose student enrollment is above 10,001 or between 2,501 and 10,000 administer student records differently than do districts whose student enrollment is below 2,500. Districts whose enrollment is above 2,501 tend to administer student records more judiciously than do districts whose enrollment is below 2,500. That is, in the administration of student records, the larger districts are inclined to observe and respect the rights of the student and his family. As might have been expected, it was found that significantly more than one-half of the districts whose student enrollment is above 2,501 administer student records in accordance with a written policy defining the collection, maintenance or release of student records.
CHAPTER V

SUMMARY AND CONCLUSIONS

From the literature dealing with the right of privacy, it is evident that privacy is a legal concept whose boundaries have yet to be fully defined. While the right of privacy is an abstraction not specifically mentioned in federal or state statutes, the judicial system has gradually come to conclude that a sufficient acknowledgement of the existence of the right of privacy may be derived from the penumbra collectively afforded by various amendments to the U.S. Constitution. The states have employed several avenues to recognize the right of privacy. The Ohio courts have relied upon numerous judicial decisions to interpret the right of privacy as the freedom of the individual to determine the time, circumstances and extent to which he wishes to share or withhold information concerning himself. Legal scholars such as Beany (1966) and Prosser (1971) have further defined the concept and suggested that record-keeping practices in existence in the schools abrasively conflict with students' and their families' right of privacy.

Horace Mann introduced the first school "register" in 1837. It was a single sheet format which underwent annual revisions and was designed to monitor the attendance of students. Concerned with the continuity of the records kept, Mann successfully lobbied for a five year
permanent school register. This instrument was designed to provide a comprehensive school history of the child from which the child's progress could be traced. In the process, it became easier for the items recorded to be summed up and their aggregate stated. In conjunction with the ambitious goal of teaching the whole child, the use of and reliance on the school register as a prime source of information provided the impetus necessary for several professional organizations to form committees to construct more efficient models of the cumulative record folder. The newer models were expanded to include not only cumulative attendance and achievement but also information pertaining to the student's health, reports from guidance conferences and the results of psychological testing. Emphasis was diverted from subjects, credits and marks and redirected to descriptions of behavior and evaluations of a student's personal qualities. The cumulative folder became a repository for information of an increasingly personal nature. Additionally, the efficiency in record-keeping promised by automated personal data systems has caused the schools to experiment with their use.

As evidenced by the Merriken decision, the expanded collection of student information alone violated the student's and his family's right of privacy. However, the severity of the infringements were amplified when the educational community regularly permitted the unsanctioned release of student information to public and private users of the information while concurrently denying parents access to school records pertaining to their children. The result has been a host of litigation concerning student records addressed to such issues as the student's
right of privacy, the rights of parents to control the education of their children, parental access to student records, the limits of liability of school personnel receiving confidential communications, the removal of objectionable notations from the student's school file and the limits of liability of school personnel releasing libelous communications. In a number of instances (Valentine v. Independent School District; Van Allen v. McCleary; Johnson v. Board of Education), the judicial system has rendered decisions unfavorable to the educational community's authoritarian or punitive administration of their duties. The rights of the individual have been favored over institutional prerogatives.

As if the results in the judicial arena were not enough, several sources within the educational profession (Barone, 1970; Cole, 1973; Boyd et al., 1973) also indicated the need for changes in the ways in which student records were administered. Several studies (Rudolph, 1968; Goslin and Bordier in Wheeler 1969; Barone, 1970; Noland, 1971; Gunnings, 1971; Boyd et al., 1973) indicated that school personnel acting in a manner incompatible with the rights of students and their families was the rule rather than the exception. Alarmed by the absence of a universally adopted code of professional ethics, the Russell Sage Foundation, preceeded by Heayn and Jacobs, offered guidelines for the appropriate administration of school records. Their proposals enjoyed some publicity but the indications from the evidence in the present study are that school authorities have failed to adopt their guidelines to any appreciable extent. Nonetheless, circumstances have forced the federal government to make specific recommendations as to how student records are
to be administered. These guidelines are embodied in the Family Educational Rights and Privacy Act of 1974. School districts are not bound to comply with the dictates of the Act, however, the continued receipt of federal funds is contingent upon compliance with the Act.

The purpose of the present study was threefold: first, to provide a descriptive account of Ohio's student record-keeping practices; second, to compare Ohio's reported student record-keeping practices to the standards provided by the 1974 Privacy Act; and finally, to compare the reported practices of districts with official, unofficial or no board policies pertaining to the collection, maintenance or release of student records to one another. In effecting these ends, a twenty-two (22) item questionnaire was mailed to 348 city, exempted village and local district superintendents. The procedures for analyzing the data were as follows:

1. Responses from all 297 respondents were tabulated for frequencies and converted into percentages.

2. Responses to questions addressed to various aspects of the 1974 Privacy Act were used to illuminate the discrepancies which exist between the provisions of the Act and the reported student record-keeping practices.

3. The Kruskal-Wallis statistic was used to make all possible comparisons among districts with official, unofficial or no board policy regarding the collection of student records.

4. The Kruskal-Wallis statistic was used to make all possible comparisons among districts with official, unofficial or
no board policy regarding the maintenance of student records.

5. The Kruskal-Wallis statistic was used to make all possible comparisons among districts with official, unofficial or no board policy regarding the release of student information.

6. The Kruskal-Wallis statistic was used to make all possible comparisons among districts whose student enrollments were above 10,001, between 2,501 and 10,000 or below 2,500.

When subgroups compared in sections 3 thru 6 were found to differ significantly, multiple comparisons based on the Kruskal-Wallis rank sums were used.

In the present study, the following facts are evident:

1. At least 37% of Ohio's school districts administer student records without any written policy which pertains to the collection, maintenance or release of student information.

2. The student record-keeping practices of a significant number of Ohio school districts are at variance with the Family Educational Rights and Privacy Act of 1974 in the following ways:
   a. Parents and students are not given access upon request to school records that pertain to them.
   b. Parents and students are not afforded an opportunity to challenge the accuracy of information contained in their school records.
   c. Parental and/or student consent is infrequently a prerequisite for the release of student information.

3. Significant differences do indeed exist among the reported
student record-keeping practices of districts with official, unofficial or no board policy which pertains to the collection, maintenance and/or release of student records. Districts who administer school records in accordance with an official or unofficial board policy tend to conform more to the ideal of observing and respecting the rights of students and their families.

4. Significant differences do indeed exist among the reported student record-keeping practices of districts whose student enrollment is above 10,001, between 2,501 and 10,000 or below 2,500. Districts whose student enrollments are above 2,501 tend to administer student records in accordance with an official or unofficial board policy concerning the collection, maintenance and/or release of student records.

In discussing the impact of the Privacy Act of 1974 on Ohio schools, assistant state superintendent Paul E. Spayde stated that the federal legislation would not mean many changes for the state's school districts (Plain Dealer, August 15, 1974). In regards to the parents right to inspect, challenge and protect school records about their children, Dr. Spayde further stated "I expect that in most districts this has never really been an issue." He also stated that with the exception of routine transfers of records to other schools, most school districts require written permission to release information. Results from the present study in no way support Dr. Spayde's contentions. On the contrary, the findings indicate that it is precisely those areas in which Dr. Spayde expresses confidence that Ohio
school districts continue to administer student records in a cavalier fashion irrespective of the rights of students and their families. Despite Dr. Spayde's assertions, parents and students are rarely given complete access to personal school records; they are not given an opportunity to challenge information; and their consent is infrequently sought prior to the release of information.

In view of these findings, the purposes of school personnel would be served best if the situation were reassessed and the current student record-keeping practices redirected in accordance with new information and altered circumstances. Any student record-keeping practices by school personnel which consistently deny the rights of students and their families is not only counterproductive but unnecessary. Yet, because school authorities are considerably less actively concerned than they should be about the welfare and protection of the rights of students, practices of this nature constitute the standard of operation for a significant number of Ohio school districts. The sentiments expressed by many school officials are not reflected in appropriate board policies. The results of the present study allow the following conclusions to be drawn.

First, since board policies appear to be a phenomenon of the larger school districts, it is reasonable to surmise that the larger the student enrollment, the more numerous the requests for student information. Hence, the greater the need for a written policy to control the collection, maintenance and release of student information. Obviously, many of the smaller school districts have not felt compelled
to administer student records according to board policy. However, the increased concern with the issue of privacy as well as the passage of the Privacy Act of 1974 occasions a drastic alteration in attitude toward administering student records in accordance with stated policy.

Second, the rights of students and their families are best protected when student records are administered according to a board policy. Although board policies do not guarantee that an individual educator will not some day perpetrate a serious and obvious breach of professional ethics, student record-keeping guidelines which have at least been codified afford school districts a frame of reference from which to administer school records uniformly.

Third, although a significant number of school districts administer student records in accordance with a board policy, the reported student record-keeping practices suggest that the policies which currently exist are inimical to the rights of students and their families. The contemporary practices which prevail often neither allow parents or students opportunities to question inclusions in their school record nor require their consent prior to the release of student information.

In view of the raft of literature, including the findings of the present study, describing the advised and legal administration of student records, it is only logical to conclude that Ohio's school districts are in serious want of a definitive and workable policy on student record-keeping which observes and respects the rights of students and their families. Granted, the guidelines proposed by the Privacy
Act of 1974 are an attempt at achieving this goal. Nevertheless, it is deception to view this measure as an adequate safeguard for the rights of students and their families. This is a discouraging prospect so soon after the passage of the act, however, phony optimism is of no practical use. Several serious defects are immediately evident.

First, the law is silent as to how student records should be administered in regard to students under the age of eighteen. While the provisions of the law are addressed to parents and students over eighteen, students under eighteen are not specifically excluded.

Second, although the law states that an opportunity to review their child's records must be given to parents within forty-five days after they request it, the law does not specify who may or must be present during the record inspection.

Third, whereas the law states that parents and students must be informed of their rights, the law does not enumerate how this should be achieved.

Fourth, the law does not clarify the issue concerning material which was included in a student's school records under the assumption of confidentiality prior to the enactment of the law. It may be argued that if information is used by school personnel to make educational decisions, it should be made available to parents. However, there is no incentive for school districts to administer student records in this manner.

Fifth, although the protections offered by the law sufficiently cover access to and the release of student information, the law is nei-
ther addressed to the issues of the conditions of information collection nor the length of time a student's records should or may be retained after a student has left the district. The law does not specify what should be collected, how it should be collected or how long it must or can be kept.

Sixth, according to a report prepared by the Federal Assistance Division of the State Department of Education, federal assistance in Ohio in 1974 amounts to $162,092,754. This represents considerable leverage which may be brought to bear on districts within the state. Be that as it may, the fact that the federal legislation has given direction to the issue of student record-keeping and further empowered federal agents to withhold funds for non-compliance is inconsequential. The Department of Health, Education and Welfare (HEW) has previously been charged with the duty of effecting needed social changes by withholding federal funds. Unfortunately, HEW Secretary Caspar W. Weinberger has stated that cutting off federal aid is too extreme a method to enforce the law (Brazaitis, 1974). The effect of this stance is that the rights of students will remain the hostage of those districts who are trapped in the illusion that they can continue to abrogate the rights of students. Concommitantly, millions of dollars in federal tax revenue will be doled out to school districts denying students and parents their constitutional rights.

Finally, aside from Weinberger's stated position, widespread enforcement of the law is unlikely. The head of the U.S. Office of Education task force which is preparing administrative rules and regula-
tions for other sections of the Education Amendments of 1974 (of which the Privacy Act was a part) has stated that because the Privacy Act was not requested by administration, the USOE will not issue any federal guidelines covering this aspect of the Education Amendments (Washington Fastreport, 1974). Consequently, the USOE must attempt to implement the law on a case by case basis, waiting for complaints from parents. The subsequent official decision on each grievance would serve as a body of precedents that could be used to decide later cases. Nevertheless, without standard guidelines, it is difficult to determine exactly what the law will require of school districts. More importantly, the interpretation of the Family Educational Rights and Privacy Act of 1974 is left to the expedience of individual districts.

The behavior of districts which continue to administer student records without a clearly defined student record-keeping policy is not only fatuous, but also intimates a manifest injury to those they exist to serve. School personnel cannot justify the total abdication of their responsibility to protect the personal rights of students and their families. Hence, they dare not ignore the fact that the reported student record-keeping practices of Ohio's school districts are grossly inadequate. If school officials are true to their principles and sincerely wish to uniformly reverse the current trend, they are obligated to develop and formally adopt a state policy defining the collection, maintenance and release of student information. It would be folly to consider writing a detailed policy to cover every conceivable aspect of student record-keeping. Circumstances alone would make this effort counter-
productive. Further, school authorities must not be lulled into thinking that guidelines which have been codified and sanctioned by legal adoption offer a perfect protection against errors in the administration of student records. Notwithstanding these limitations, a written and formally adopted policy offers the best guarantee that Ohio's educational community will observe and respect the constitutional rights of students and their families. Several sources are available from which specific recommendations may be obtained (e.g. Heayn and Jacobs, Russell Sage Guidelines, Privacy Act of 1974). However, the specifics of any state policy are best left to the deliberations of a representative committee authorized to develop a state policy which has the force of law. Whatever the final product, if it is to be worthwhile, the following considerations must be taken into account.

First, the right of privacy of students and their families can best be protected if voluminous subjective, unverifiable, outdated or simply extraneous material is never allowed to become a part of the student's cumulative record. The sole purpose of the cumulative folder is to facilitate the collection of information that is needed as a basis for formulating practical decisions that must be made in order to benefit the student and/or provide him with the appropriate educational experiences. Anything beyond this is excessive and constitutes an encroachment on the rights of the student. Accurate information is paramount; hence, half-truths and evaluative statements must be strenuously avoided. All notations in the student's file must therefore be confined to behavioral observations. If the indelibly re-
corded indiscretions of youth (real or alleged) are to be kept from forever haunting an individual, the educational community's first course of action must be to exercise restraint in gathering some sorts of sensitive information in the first place.

Second, data that no longer exists no longer needs guarding. If school personnel are to resist the temptation to stockpile everything on the pretext that it may be of some unspecified use at some unspecified future time, the policy must answer the question how long should certain student information be retained? Whenever information acquired essentially to design a scholastic program to complement the individual's need is used for non-educational purposes, the basic purpose for acquiring the information is compromised. Student records should be destroyed when they fail to serve educational ends.

Third, legislation provides protection only as long as it is in force, enforceable and enforced. It would be naive to believe that mere guidelines defining the proper administration of student records would be a singular sufficient safeguard to protect the rights of students and their families. In the long run, without further support, any legally adopted guidelines will be immediately vulnerable to erosion. Human nature, and not the absence of guidelines, lies at the root of the problem. Owing to this circumstance, an adequate deterrent to violations must be adopted along with the guidelines. If a state adopted policy is to have an effect, the state must make the penalty for transgressions prohibitive. Without this provision school authorities are only conducting rhetorical exercises.
In dealing with violations, several avenues are available. However, it would seem most appropriate if the state certifying or licensing authorities, after procedural due process, were directed to take appropriate disciplinary action relative to suspending or revoking the person's license or certificate. This might provide school personnel with an incentive to administer student records in a more judicious manner.

Schools are a microcosm of society at-large and when the state attempts to adopt or implement its policy, it is reasonable to assume that its efforts will be met by concerned lobbyists whose goal, at the very least, is to weaken the final measure. Currently, a significant number of Ohio's school districts do not use computers to record and maintain student records. Nonetheless, indications from the literature are that this situation is bound to change. Both the inclusive nature of student records and the efficiency of automated personal data systems suggest that the increased usage of the computer is an inevitability. Legislation pertaining to the use of computers in Ohio has already been introduced during the 1973-74 regular session of the 110th General Assembly. A bill entitled the Ohio "Code of Fair Information Practices" (S.B. 418) sponsored by Stanley J. Aronoff was killed in the Ohio Senate by a vote of 21-10 on June 5, 1974. Ostensibly, the bill was defeated by a coalition of lobbyists who felt that the bill, which featured a series of prohibitions and requirements preventing the misuse of information in data processing systems would also curtail many information gathering practices. Before the bill was brought to a floor
vote, several amendments had been added including one sponsored by the Ohio Education Association. Their amendment was as follows:

(1) Medical records shall be sent to the individual's personal physician;
(2) Testing and examination information whose source can be determined as attributable to an individual student's classroom, school building, or school district shall be sent in comprehensible form and explained in terms that prevent misunderstanding or misuse that could be detrimental to the student, neighborhood, or community.

Although the bill was defeated, Senator Aronoff has begun to lay the groundwork to reintroduce the bill during the next session of the Ohio General Assembly. If it is passed, it will be applicable to computer usage in the schools. Because this bill is applicable only to automated personal data systems, there will still remain an urgent need for a state adopted policy governing the collection, maintenance and release of student information.

The results of the present study indicates that Ohio student record-keeping practices often flagrantly violate the right of privacy of students and their families. Concurrently, these practices are in direct conflict with the Family Educational Rights and Privacy Act of 1974 (FERPA). Inasmuch as the prevalent administration of student records negates the constitutional guarantees of privacy and the federal government has offered an inducement to lessen these infringements, it would appear logical that subsequent research would address the following issues:

First, all school districts collect and maintain a variety of student information theoretically for the purpose of facilitating appropriate educational planning. Therefore, research should be directed to
determining the extent to which recorded information is used in assisting the student during his educational career.

Second, a number of districts reported administering student records in accordance with some type of written policy. Since these districts report observing and respecting the rights of students and their parents to a significantly greater extent than did districts who administered student records without a written policy, research should be directed toward delimiting and analyzing the areas specifically covered in these policies and toward identifying those areas that are conspicuous by their absence.

Third, since the federal government bars funds for non-compliance with FERPA, a follow-up study instituted to ascertain the extent to which Ohio school districts comply with the law should prove of utmost interest and concern. In achieving this goal, several aspects must be covered. For example, the nature and types of student record-keeping complaints expressed by parents and students should be determined, as well as how or if these grievances are resolved by the school district. Additionally, the course of action taken by HEW, the courts and others with districts who fail to comply with FERPA would be both of immediate and historical concern.

Finally, since there are many issues on which FERPA remains silent, future research might also be designed to discover the extent to which school districts have developed and/or adopted student record-keeping practices beyond the dictates of FERPA.
APPENDIX A

MAP OF OHIO WITH REGIONAL DIVISIONS
1. Northwest = 18 counties
2. Northeast = 17 counties
3. Central = 18 counties
4. Southwest = 17 counties
5. Southeast = 18 counties
APPENDIX B

STUDENT RECORD-KEEPING QUESTIONNAIRE

WITH ASSIGNED VALUES
Different names are used by different school systems for various parts of the pupil record. In the following questionnaire, permanent record card is used to denote the standard card or the form used by most school systems and maintained after graduation. In contrast, the pupil record file denotes other information kept in the pupil's file but not on the record card. In addition some schools maintain other information separately from either of these. We recognize that individual discretion is important in dealing with student records, but we are interested in the general prevailing rule rather than in individual exceptions.

1. GENERAL POLICY

1. Do you feel that a written policy defining the collection, maintenance and release of student information is necessary?

   YES _________  NO _________

2. Please check the appropriate box concerning your district's policies on student records.

<table>
<thead>
<tr>
<th></th>
<th>OFFICIAL BOARD POLICY</th>
<th>UNOFFICIAL BOARD POLICY</th>
<th>NO POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Release</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

3. Are procedures in existence which allow parents or students to challenge the accuracy of any information contained in their records?

   *YES 1  NO _____________  * If "YES" please check the appropriate slot(s) below.

   **PARENTS 1 **  STUDENTS 2 **  **Percentage of those with procedures.

4. At what grade level(s) does your school district review all pupil records to determine their usefulness?

   GRADES: 2 __________  3 __________  4 __________  5 __________

   6 __________  7 __________  8 __________  9 __________

   11 __________  12 __________  EVERY __________

   PERIODICALLY __________  EVERY OTHER __________

   NEVER __________  TWO YEARS AFTER __________

5. Please indicate where your school district keeps the following types of data:

<table>
<thead>
<tr>
<th>Type of Data</th>
<th>Permanent Record</th>
<th>In the Pupil Record File</th>
<th>Kept Separately But Not on the Permanent Record Card</th>
<th>Not Kept</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Student Absences and Tardinesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>d. Standardized Achievement Test Scores</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Psychological Reports &amp; Records</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Health Reports and Records</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>h. Disciplinary Records</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Administrators Reports</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Anecdotal Information (From Staff Personnel)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. Reports on Extracurricular Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. Reports From Other Agencies &amp; Clinics</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. Personal &amp; Family Information</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n. Reports of Narcotics Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o. Police Reports &amp; Court Records</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>p. Political Affiliations &amp; Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>r. Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5a. Non-respondents to question 5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. ______ b. ______ c. ______ d. ______ e. ______ f. ______</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. ______ h. ______ i. ______ j. ______ k. ______ l. ______</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. ______ n. ______ o. ______ p. ______ q. ______ r. ______</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6. Please indicate how long your school district retains the following types of data after a student has left your district.

<table>
<thead>
<tr>
<th>Data Type</th>
<th>1-10</th>
<th>11-20</th>
<th>21-50</th>
<th>50+</th>
<th>Not Kept</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>b. Student Absences &amp; Tardinesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>d. Standardized Achievement Test Scores</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>e. Psychological Reports &amp; Records</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>g. Health Reports &amp; Records</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Disciplinary Records</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>i. Administrators Reports</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Anecdotal Information (From Staff Personnel)</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>k. Reports on Extracurricular Activities</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>l. Reports From Other Agencies or Clinics</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. Personal &amp; Family Information</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>n. Reports of Narcotics Use</td>
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</tr>
<tr>
<td>o. Police Reports &amp; Court Records</td>
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<td></td>
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<tr>
<td>p. Political Affiliations &amp; Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>r. Other</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
7. Does your school district use computers to record or maintain student records?

**YES**[ ] **NO**[ ]

8. If your answer to question seven (7) was "YES", which records are collected and/or stored in computer banks?

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage of those using computers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Academic Records</td>
<td>[ ]</td>
</tr>
<tr>
<td>Personal &amp; Family Information</td>
<td>[ ]</td>
</tr>
<tr>
<td>Anecdotal Information (From Staff Personnel)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Standardized Achievement Test Scores</td>
<td>[ ]</td>
</tr>
<tr>
<td>Health Reports &amp; Records</td>
<td>[ ]</td>
</tr>
<tr>
<td>Individual or Group I.Q. Test Scores</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

II. INFORMING POLICY

1. Is direct (in person, parent or student) written informed consent required before unique and individual data is collected? (e.g. psychological evaluation)

**YES**[ ] **NO**[ ]

2. Is indirect (by telephone or letter) parent consent required before unique and individual data is collected?

**YES**[ ] **NO**[ ]

3. Are parents or students directly (in person) informed of the probable uses and nature of unique and individual data collected? (e.g. psychological evaluation)

**YES**[ ] **NO**[ ]

4. If your answer to question three (3) is "YES", what is the capacity of the person who generally informs the parents or students?

PRINCIPAL[ ] PUPIL PERSONNEL TEAM[ ]
COUNSELOR[ ] PSYCHOLOGIST[ ] OTHER[ ]

5. Are parents or students indirectly (by letter) informed of all the probable uses and nature of the data which is collected from all pupils in your school district?

**YES**[ ] **NO**[ ]

6. Is consent implied for the collection of all pupil data when a pupil is enrolled in your school district?

**YES**[ ] **NO**[ ]
### III. PUPIL RECORD ACCESSIBILITY

1. Please indicate who has access to the following types of information by checking the appropriate box. Please assume that parental consent has not been obtained and that there are no subpoenas involved.

<table>
<thead>
<tr>
<th>Access Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have access to entire file on request</td>
</tr>
<tr>
<td>Have access to permanent record card on request and to entire file with special permission of principal or guidance counselor</td>
</tr>
<tr>
<td>Have access to permanent record card only</td>
</tr>
<tr>
<td>Special permission (principal or counselor) required for access to any part of file</td>
</tr>
<tr>
<td>Does not have access</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Pupils</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Parents</td>
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<td></td>
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<tr>
<td>c. Family Physician</td>
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<tr>
<td>d. Family Lawyer</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>e. All Professional Staff</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>f. Professional Staff Involved</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>g. Non-Professional Staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Community Agencies</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Official in Other Schools or Districts</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Mental Health Clinics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. Potential Employer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. Military-Civil Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. Local Police FBA/CIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n. Colleges &amp; Universities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o. Juvenile Court</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Are those who have access to your student records able to view the records for themselves?

YES 1  NO ____________

3. Are the student records only interpreted to those who have access to them by certificated personnel?

YES ____________ NO 1

4. Are those who have access to your student records able to obtain copies of the records?

YES ____________ NO ____________

IV. DISSEMINATION POLICY

1. Please indicate those within your school district who have the authority to release student information.

ADMINISTRATORS 2
COUNSELORS 2
PSYCHOLOGISTS 2
TEACHERS 1
SECRETARIES ____________
OTHER ____________

2. Which of the following requests for student information are honored? Please check all which apply?

WRITTEN 2  IN PERSON 1  TELEPHONE ____________

3. Does your school district maintain a record of persons or agencies to whom copies of a student's records are sent?

YES 1  NO ____________
4. Please indicate from whom consent is required before the following data is released.

<table>
<thead>
<tr>
<th>Data</th>
<th>Parent</th>
<th>Pupil</th>
<th>School Board</th>
<th>None</th>
<th>Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Student Absences &amp; Tardinesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Standardized Achievement Test Scores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Psychological Reports &amp; Records</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
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<tr>
<td>g. Health Reports &amp; Records</td>
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<tr>
<td>h. Disciplinary Records</td>
<td>1</td>
<td>2</td>
<td></td>
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<tr>
<td>i. Administrators Reports</td>
<td></td>
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<tr>
<td>j. Anecdotal Information (From Staff Personnel)</td>
<td>1</td>
<td>2</td>
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<td></td>
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<tr>
<td>k. Reports on Extracurricular Activities</td>
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<tr>
<td>l. Reports From Other Agencies or Clinics</td>
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<tr>
<td>m. Personal &amp; Family Information</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>n. Reports of Narcotics Use</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>o. Police Reports &amp; Court Records</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>p. Political Affiliations &amp; Activities</td>
<td></td>
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</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>r. Other</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

4a. Non-respondents to question 4.

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>a</td>
<td>b</td>
<td>c</td>
<td>d</td>
<td>e</td>
<td>f</td>
</tr>
<tr>
<td>g</td>
<td>h</td>
<td>i</td>
<td>j</td>
<td>k</td>
<td>l</td>
</tr>
<tr>
<td>m</td>
<td>n</td>
<td>o</td>
<td>p</td>
<td>q</td>
<td>r</td>
</tr>
</tbody>
</table>
APPENDIX C

STUDENT RECORD-KEEPING QUESTIONNAIRE

WITH FREQUENCIES AND PERCENTAGES
Different names are used by different school systems for various parts of the pupil record. In the following questionnaire, permanent record card is used to denote the standard card or form used by most school systems and maintained after graduation. In contrast, the pupil record file denotes other information kept in the pupil's file but not on the record card. In addition some schools maintain other information separately from either of these. We recognize that individual discretion is important in dealing with student records, but we are interested in the general prevailing rule rather than in individual exceptions.

I. GENERAL POLICY

1. Do you feel that a written policy defining the collection, maintenance and release of student information is necessary?

   **YES** 242 (81.5) **NO** 55 (18.5)

2. Please check the appropriate box concerning your district's policies on student records.

<table>
<thead>
<tr>
<th>OFFICIAL BOARD POLICY</th>
<th>UNOFFICIAL BOARD POLICY</th>
<th>NO POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection</td>
<td>63 (21.2)</td>
<td>104 (35.0)</td>
</tr>
<tr>
<td>Maintenance</td>
<td>70 (23.6)</td>
<td>111 (37.4)</td>
</tr>
<tr>
<td>Release</td>
<td>74 (24.9)</td>
<td>113 (38.1)</td>
</tr>
</tbody>
</table>

3. Are procedures in existence which allow parents or students to challenge the accuracy of any information contained in their records?

   *YES* 114 (38.4) **NO** 183 (61.6) *If "YES" please check the appropriate slot(s) below.

   **PARENTS** 105 (32.1)** STUDENTS** 76 (66.6)** **Percentage of those with procedures.

4. At what grade level(s) does your school district review all pupil records to determine their usefulness?

<table>
<thead>
<tr>
<th>GRADES:</th>
<th>2</th>
<th>1 ( .3)</th>
<th>3</th>
<th>22 ( 7.4)</th>
<th>4</th>
<th>4 ( 1.3)</th>
<th>5</th>
<th>10 ( 3.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6</td>
<td>93 (31.3)</td>
<td>7</td>
<td>11 ( 3.7)</td>
<td>8</td>
<td>89 (30.0)</td>
<td>9</td>
<td>82 (27.6)</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>4 ( 1.3)</td>
<td>12</td>
<td>153 (51.5)</td>
<td>EVERY</td>
<td>23 (7.7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PERIODICALLY</td>
<td>6 (2.0)</td>
<td>EVERY OTHER</td>
<td>1 ( .3)</td>
<td>NEVER</td>
<td>38 (12.8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TWO YEARS AFTER</td>
<td>1 ( .3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Please indicate where your school district keeps the following types of data:

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Permanent Record</th>
<th>In the Pupil Record File But Not On The Permanent Record Card</th>
<th>Kept Separately</th>
<th>Not Kept</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td>285 (96.0)</td>
<td>10 (3.4)</td>
<td>1 (.3)</td>
<td></td>
</tr>
<tr>
<td>b. Student Absences and Tardinesses</td>
<td>232 (78.1)</td>
<td>39 (13.1)</td>
<td>19 (6.4)</td>
<td></td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td>168 (56.6)</td>
<td>120 (40.4)</td>
<td>4 (1.3)</td>
<td>1 (.3)</td>
</tr>
<tr>
<td>d. Standardized Achievement Test Scores</td>
<td>255 (85.9)</td>
<td>34 (11.4)</td>
<td>6 (2.0)</td>
<td></td>
</tr>
<tr>
<td>e. Psychological Reports &amp; Records</td>
<td>80 (26.9)</td>
<td>120 (40.4)</td>
<td>94 (31.7)</td>
<td>1 (.3)</td>
</tr>
<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
<td>236 (79.5)</td>
<td>47 (15.8)</td>
<td>11 (3.7)</td>
<td>1 (.3)</td>
</tr>
<tr>
<td>g. Health Reports and Records</td>
<td>104 (35.0)</td>
<td>122 (41.1)</td>
<td>68 (22.9)</td>
<td></td>
</tr>
<tr>
<td>h. Disciplinary Records</td>
<td>44 (14.8)</td>
<td>139 (46.8)</td>
<td>93 (31.3)</td>
<td>17 (5.7)</td>
</tr>
<tr>
<td>i. Administrators Reports</td>
<td>46 (15.5)</td>
<td>111 (37.4)</td>
<td>92 (31.0)</td>
<td>30 (10.1)</td>
</tr>
<tr>
<td>j. Anecdotal Information (From Staff Personnel)</td>
<td>65 (21.9)</td>
<td>149 (50.1)</td>
<td>56 (18.9)</td>
<td>21 (7.1)</td>
</tr>
<tr>
<td>k. Reports on Extra Curricular Activities</td>
<td>120 (40.3)</td>
<td>103 (34.7)</td>
<td>40 (13.5)</td>
<td>29 (9.8)</td>
</tr>
<tr>
<td>l. Reports From Other Agencies &amp; Clinics</td>
<td>54 (18.2)</td>
<td>156 (52.5)</td>
<td>70 (23.6)</td>
<td>14 (4.7)</td>
</tr>
<tr>
<td>m. Personal &amp; Family Information</td>
<td>173 (58.2)</td>
<td>78 (26.3)</td>
<td>27 (9.1)</td>
<td>16 (5.4)</td>
</tr>
<tr>
<td>n. Reports of Narcotics Use</td>
<td>23 (7.7)</td>
<td>77 (25.9)</td>
<td>94 (31.7)</td>
<td>94 (31.7)</td>
</tr>
<tr>
<td>o. Police Reports &amp; Court Records</td>
<td>27 (9.0)</td>
<td>89 (30.0)</td>
<td>94 (31.7)</td>
<td>82 (27.6)</td>
</tr>
<tr>
<td>p. Political Affiliations &amp; Activities</td>
<td>10 (3.4)</td>
<td>17 (5.7)</td>
<td>8 (2.7)</td>
<td>245 (82.5)</td>
</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td>33 (11.0)</td>
<td>92 (31.0)</td>
<td>95 (32.0)</td>
<td>62 (20.9)</td>
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<tr>
<td>Sa. Non-respondents to question 5.</td>
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<tr>
<td>a. 1 (.3)</td>
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<tr>
<td>b. 7 (2.4)</td>
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<tr>
<td>c. 4 (1.3)</td>
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<tr>
<td>d. 2 (.7)</td>
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<tr>
<td>f. 2 (.7)</td>
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</tr>
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<td>g. 3 (1.0)</td>
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<td></td>
</tr>
<tr>
<td>h. 4 (1.4)</td>
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<tr>
<td>i. 18 (6.0)</td>
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</tr>
<tr>
<td>j. 6 (2.0)</td>
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<tr>
<td>k. 5 (1.7)</td>
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<td>l. 3 (1.0)</td>
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<td>m. 3 (1.0)</td>
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<td>n. 9 (3.0)</td>
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<tr>
<td>o. 5 (1.7)</td>
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<tr>
<td>p. 17 (5.7)</td>
<td></td>
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</tr>
<tr>
<td>q. 15 (5.1)</td>
<td></td>
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</tr>
</tbody>
</table>
6. Please indicate how long your school district retains the following types of data after a student has left your district.

<table>
<thead>
<tr>
<th>Type of Data</th>
<th>1-10</th>
<th>11-20</th>
<th>21-50</th>
<th>50+</th>
<th>Kept</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td>10 (3.4)</td>
<td>9 (3.0)</td>
<td>31 (10.4)</td>
<td>243 (81.9)</td>
<td>1 (0.3)</td>
</tr>
<tr>
<td>b. Student Absences &amp; Tardinesses</td>
<td>28 (9.5)</td>
<td>12 (4.0)</td>
<td>31 (10.4)</td>
<td>211 (71.1)</td>
<td>9 (3.0)</td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td>32 (10.8)</td>
<td>11 (3.7)</td>
<td>27 (9.1)</td>
<td>189 (63.6)</td>
<td>29 (9.8)</td>
</tr>
<tr>
<td>d. Standardized Achievement Test Scores</td>
<td>25 (8.4)</td>
<td>17 (5.7)</td>
<td>29 (9.8)</td>
<td>205 (69.0)</td>
<td>7 (2.4)</td>
</tr>
<tr>
<td>e. Psychological Reports Records</td>
<td>66 (22.2)</td>
<td>19 (6.4)</td>
<td>23 (7.7)</td>
<td>127 (42.8)</td>
<td>48 (16.1)</td>
</tr>
<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
<td>29 (9.8)</td>
<td>17 (5.7)</td>
<td>28 (9.5)</td>
<td>197 (66.3)</td>
<td>19 (6.4)</td>
</tr>
<tr>
<td>g. Health Reports &amp; Records</td>
<td>57 (19.2)</td>
<td>19 (6.4)</td>
<td>22 (7.4)</td>
<td>141 (47.4)</td>
<td>48 (16.1)</td>
</tr>
<tr>
<td>h. Disciplinary Records</td>
<td>76 (25.7)</td>
<td>7 (2.3)</td>
<td>14 (4.7)</td>
<td>64 (21.5)</td>
<td>123 (41.4)</td>
</tr>
<tr>
<td>i. Administrators Reports</td>
<td>67 (22.6)</td>
<td>9 (3.0)</td>
<td>15 (5.0)</td>
<td>73 (24.6)</td>
<td>112 (37.7)</td>
</tr>
<tr>
<td>j. Anecdotal Information From Staff Personnel</td>
<td>72 (24.2)</td>
<td>7 (2.4)</td>
<td>14 (4.7)</td>
<td>70 (23.6)</td>
<td>116 (39.0)</td>
</tr>
<tr>
<td>k. Reports on Extracurricular Activities</td>
<td>51 (17.1)</td>
<td>11 (3.7)</td>
<td>18 (6.0)</td>
<td>141 (47.6)</td>
<td>62 (20.9)</td>
</tr>
<tr>
<td>l. Reports From Other Agencies or Clinics</td>
<td>71 (23.9)</td>
<td>11 (3.7)</td>
<td>15 (5.1)</td>
<td>93 (31.3)</td>
<td>94 (31.6)</td>
</tr>
<tr>
<td>m. Personal &amp; Family Information</td>
<td>49 (16.5)</td>
<td>16 (5.4)</td>
<td>18 (6.0)</td>
<td>136 (45.8)</td>
<td>67 (22.6)</td>
</tr>
<tr>
<td>n. Reports of Narcotics Use</td>
<td>51 (17.2)</td>
<td>5 (1.7)</td>
<td>18 (6.0)</td>
<td>44 (14.8)</td>
<td>160 (53.8)</td>
</tr>
<tr>
<td>o. Police Reports &amp; Court Records</td>
<td>54 (18.2)</td>
<td>6 (2.0)</td>
<td>12 (4.0)</td>
<td>62 (20.9)</td>
<td>150 (50.5)</td>
</tr>
<tr>
<td>p. Political Affiliations Activities</td>
<td>9 (3.0)</td>
<td>3 (1.0)</td>
<td>6 (2.0)</td>
<td>27 (9.2)</td>
<td>234 (78.8)</td>
</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td>65 (21.9)</td>
<td>9 (3.0)</td>
<td>12 (4.0)</td>
<td>63 (21.2)</td>
<td>127 (42.8)</td>
</tr>
<tr>
<td>r. Other: Census</td>
<td>1 (0.3)</td>
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<td></td>
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<td></td>
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</table>

a. 3 (1.0)  b. 6 (2.0)  c. 9 (3.0)  d. 14 (4.7)  e. 14 (4.7)  f. 7 (2.3)

g. 10 (3.4)  h. 13 (4.4)  i. 21 (7.1)  j. 18 (6.1)  k. 14 (4.7)  l. 13 (4.4)

m. 11 (3.7)  n. 19 (6.4)  o. 13 (4.4)  p. 18 (6.0)  q. 21 (7.1)

7. Does your school district use computers to record or maintain student records?

YES 68 (22.9)  NO 229 (77.1)  

8. If your answer to question seven (7) was "YES", which records are collected and/or stored in computer banks?

Student Academic Records  63 (92.6)*
Personal & Family Information  15 (22.1)*
Anecdotal Information From Staff Personnel  2 (2.9)*
Standardized Achievement Test Scores  25 (36.8)*
Health Reports & Records  3 (4.4)*
Individual or Group I.Q. Test Scores  20 (29.4)*
Other: Attendance  13 (19.1)*
II. INFORMING POLICY

1. Is direct (in person, parent or student) written informed consent required before unique and individual data is collected? (e.g. psychological evaluation)

   YES 195 (65.7)  NO 102 (34.3)

2. Is indirect (by telephone or letter) parent consent required before unique and individual data is collected?

   YES 149 (50.2)  NO 148 (49.8)

3. Are parents or students directly (in person) informed of the probable uses and nature of unique and individual data is collected? (e.g. psychological evaluation)

   YES 258 (86.9)  NO 39 (13.1)

4. If your answer to question three (3) is "YES", what is the capacity of the person who generally informs the parents or students?

   PRINCIPAL 137 (46.1)  PUPIL PERSONNEL TEAM 35 (11.8)
   COUNSELOR 136 (45.8)  PSYCHOLOGIST 182 (61.3)  OTHER: 12 (4.0)

5. Are parents or students indirectly (by letter) informed of all the probable uses and nature of the data which is collected from all pupils in your school district?

   YES 49 (16.5)  NO 248 (83.5)

6. Is consent implied for the collection of all pupil data when a pupil is enrolled in your school district?

   YES 196 (66.0)  NO 101 (34.0)
III. PUPIL RECORD ACCESSIBILITY

1. Please indicate who has access to the following types of information by checking the appropriate box. Please assume that parental consent has not been obtained and that there are no subpoenas involved.

<table>
<thead>
<tr>
<th>Category</th>
<th>Have access To Entire File on Request</th>
<th>Have Access to Permanent Record Card on Request and to Entire File With Special Permission of Principal or Guidance Counselor</th>
<th>Have Access to Permanent Record Card Only</th>
<th>Special Permission (Principal or Counselor) Required for Access to Any Part of File</th>
<th>Does Not Have Access</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Pupils</td>
<td>43 (14.5)</td>
<td>46 (15.5)</td>
<td>29 (9.8)</td>
<td>102 (34.3)</td>
<td>70 (23.5)</td>
<td>7 (2.4)</td>
</tr>
<tr>
<td>b. Parents</td>
<td>67 (22.5)</td>
<td>59 (19.9)</td>
<td>24 (8.1)</td>
<td>112 (37.7)</td>
<td>29 (9.8)</td>
<td>6 (2.0)</td>
</tr>
<tr>
<td>c. Family Physician</td>
<td>25 (8.4)</td>
<td>33 (11.1)</td>
<td>5 (1.7)</td>
<td>140 (47.1)</td>
<td>81 (27.3)</td>
<td>13 (4.4)</td>
</tr>
<tr>
<td>d. Family Lawyer</td>
<td>21 (7.1)</td>
<td>27 (9.0)</td>
<td>5 (1.7)</td>
<td>127 (42.8)</td>
<td>98 (33.0)</td>
<td>19 (6.4)</td>
</tr>
<tr>
<td>e. All Professional Staff</td>
<td>114 (38.4)</td>
<td>66 (22.2)</td>
<td>22 (7.4)</td>
<td>49 (16.5)</td>
<td>28 (9.4)</td>
<td>18 (6.1)</td>
</tr>
<tr>
<td>f. Professional Staff Involved</td>
<td>168 (56.6)</td>
<td>62 (20.8)</td>
<td>16 (5.4)</td>
<td>32 (10.8)</td>
<td>4 (1.3)</td>
<td>15 (5.1)</td>
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<tr>
<td>g. Non-Professional Staff</td>
<td>6 (.2)</td>
<td>9 (3.0)</td>
<td>6 (2.0)</td>
<td>34 (11.5)</td>
<td>228 (76.8)</td>
<td>14 (4.7)</td>
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<tr>
<td>h. Community Agencies</td>
<td>2 (.7)</td>
<td>7 (2.4)</td>
<td>6 (2.0)</td>
<td>111 (37.4)</td>
<td>156 (52.5)</td>
<td>15 (5.1)</td>
</tr>
<tr>
<td>i. Officials in Other Schools or Districts</td>
<td>17 (.5.7)</td>
<td>32 (10.8)</td>
<td>31 (10.4)</td>
<td>120 (40.4)</td>
<td>85 (28.6)</td>
<td>12 (4.0)</td>
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<tr>
<td>j. Mental Health Clinics</td>
<td>7 (.2.4)</td>
<td>25 (8.4)</td>
<td>8 (2.7)</td>
<td>150 (50.5)</td>
<td>94 (31.6)</td>
<td>13 (4.4)</td>
</tr>
<tr>
<td>k. Potential Employer</td>
<td>2 (.7)</td>
<td>15 (5.1)</td>
<td>33 (11.1)</td>
<td>117 (39.3)</td>
<td>120 (40.4)</td>
<td>10 (3.4)</td>
</tr>
<tr>
<td>l. Military-Civil Service</td>
<td>5 (.1.7)</td>
<td>19 (6.4)</td>
<td>26 (8.8)</td>
<td>132 (44.4)</td>
<td>102 (34.3)</td>
<td>13 (4.4)</td>
</tr>
<tr>
<td>m. Local Police FBI/CIA</td>
<td>12 (.4.0)</td>
<td>23 (8.1)</td>
<td>11 (3.7)</td>
<td>162 (54.6)</td>
<td>77 (25.9)</td>
<td>11 (3.7)</td>
</tr>
<tr>
<td>n. Colleges &amp; Universities</td>
<td>7 (.2.4)</td>
<td>27 (9.1)</td>
<td>56 (18.8)</td>
<td>126 (42.4)</td>
<td>68 (22.9)</td>
<td>13 (4.4)</td>
</tr>
<tr>
<td>o. Juvenile Court</td>
<td>22 (.7.4)</td>
<td>36 (12.1)</td>
<td>9 (3.0)</td>
<td>159 (53.5)</td>
<td>59 (19.9)</td>
<td>12 (4.1)</td>
</tr>
</tbody>
</table>
2. Are those who have access to your student records able to view the records for themselves?

YES 199 (67.0)  NO 98 (33.0)

3. Are the student records only interpreted to those who have access to them by certificated personnel?

YES 220 (74.1)  NO 77 (25.9)

4. Are those who have access to your student records able to obtain copies of the records?

YES 111 (37.4)  NO 186 (62.6)

IV. DISSEMINATION POLICY

1. Please indicate those within your school district who have the authority to release student information.

ADMINISTRATORS 294 (99.0)
COUNSELORS 207 (69.7)
PSYCHOLOGISTS 125 (42.1)
TEACHERS 17 (5.7)
SECRETARIES 21 (7.1)
OTHER: 6 (2.0)

2. Which of the following requests for student information are honored? Please check all which apply.

WRITTEN 288 (97.0)  IN PERSON 241 (81.1)  TELEPHONE 110 (37.0)

3. Does your school district maintain a record of persons or agencies to whom copies of a student’s records are sent?

YES 218 (73.4)  NO 79 (26.6)
4. Please indicate from whom consent is required before the following data is released.

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Parent</th>
<th>Pupil</th>
<th>School Board</th>
<th>None</th>
<th>Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Student Academic Record</td>
<td>32 (10.8)</td>
<td>96 (32.3)</td>
<td>42 (14.1)</td>
<td>99 (33.3)</td>
<td>1 (.3)</td>
</tr>
<tr>
<td>b. Student Absences &amp; Tardinesses</td>
<td>24 (8.1)</td>
<td>63 (21.2)</td>
<td>49 (16.5)</td>
<td>127 (42.8)</td>
<td>1 (.3)</td>
</tr>
<tr>
<td>c. Reports From Other Schools Attended</td>
<td>37 (12.5)</td>
<td>66 (22.2)</td>
<td>41 (13.8)</td>
<td>111 (37.4)</td>
<td>3 (1.0)</td>
</tr>
<tr>
<td>d. Standardized Achievement Test Scores</td>
<td>43 (14.5)</td>
<td>68 (22.9)</td>
<td>48 (16.2)</td>
<td>99 (33.3)</td>
<td>2 (.6)</td>
</tr>
<tr>
<td>e. Psychological Reports &amp; Records</td>
<td>93 (31.3)</td>
<td>61 (20.5)</td>
<td>41 (13.9)</td>
<td>61 (20.5)</td>
<td>6 (2.0)</td>
</tr>
<tr>
<td>f. Individual or Group I.Q. Test Scores</td>
<td>60 (20.2)</td>
<td>68 (22.9)</td>
<td>48 (16.2)</td>
<td>80 (26.9)</td>
<td>4 (1.3)</td>
</tr>
<tr>
<td>g. Health Reports &amp; Records</td>
<td>60 (20.2)</td>
<td>62 (20.9)</td>
<td>46 (15.5)</td>
<td>83 (27.9)</td>
<td>6 (2.0)</td>
</tr>
<tr>
<td>h. Disciplinary Records</td>
<td>42 (14.1)</td>
<td>42 (14.1)</td>
<td>59 (19.9)</td>
<td>87 (29.3)</td>
<td>19 (6.4)</td>
</tr>
<tr>
<td>i. Administrators Reports</td>
<td>26 (8.7)</td>
<td>36 (12.1)</td>
<td>65 (21.9)</td>
<td>97 (32.7)</td>
<td>18 (6.1)</td>
</tr>
<tr>
<td>j. Anecdotal Information From Staff Personnel</td>
<td>28 (9.4)</td>
<td>37 (12.5)</td>
<td>57 (19.2)</td>
<td>92 (31.0)</td>
<td>20 (6.7)</td>
</tr>
<tr>
<td>k. Reports on Extracurricular Activities</td>
<td>21 (7.1)</td>
<td>71 (23.9)</td>
<td>41 (13.8)</td>
<td>113 (38.0)</td>
<td>10 (3.4)</td>
</tr>
<tr>
<td>l. Reports From Other Agencies or Clinics</td>
<td>58 (19.5)</td>
<td>45 (15.2)</td>
<td>53 (17.8)</td>
<td>70 (23.6)</td>
<td>18 (6.1)</td>
</tr>
<tr>
<td>m. Personal &amp; Family Information</td>
<td>79 (26.6)</td>
<td>48 (16.2)</td>
<td>41 (13.8)</td>
<td>61 (20.5)</td>
<td>17 (5.7)</td>
</tr>
<tr>
<td>n. Police Reports &amp; Court Records</td>
<td>55 (18.5)</td>
<td>29 (9.8)</td>
<td>48 (16.2)</td>
<td>73 (24.6)</td>
<td>31 (10.4)</td>
</tr>
<tr>
<td>o. Reports of Narcotics Use</td>
<td>49 (16.5)</td>
<td>28 (9.4)</td>
<td>50 (16.8)</td>
<td>75 (25.3)</td>
<td>29 (9.8)</td>
</tr>
<tr>
<td>p. Political Affiliations &amp; Activities</td>
<td>33 (11.1)</td>
<td>15 (5.1)</td>
<td>29 (9.8)</td>
<td>82 (27.6)</td>
<td>49 (16.4)</td>
</tr>
<tr>
<td>q. Reports &amp; Records of the Social Worker</td>
<td>60 (20.2)</td>
<td>35 (11.8)</td>
<td>43 (14.5)</td>
<td>66 (22.2)</td>
<td>28 (9.4)</td>
</tr>
</tbody>
</table>

4a. Non-respondents to question 4.

| a. | 27 (9.2) |
| b. | 33 (11.1) |
| c. | 39 (13.1) |
| d. | 37 (12.5) |
| e. | 35 (11.8) |
| f. | 37 (12.5) |
| g. | 40 (13.5) |
| h. | 48 (16.2) |
| i. | 55 (18.5) |
| j. | 63 (21.2) |
| k. | 41 (13.8) |
| l. | 53 (17.8) |
| m. | 51 (17.2) |
| n. | 61 (20.5) |
| o. | 66 (22.2) |
| p. | 89 (30.0) |
| q. | 65 (21.9) |


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