

## Section 9

### Student Education Records

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#### I. Access to Records

The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the school district pertaining to the student's identification, evaluation, educational placement, and free appropriate public education.

Definitions 10/4/10; List updated 8/2014

#### II. Definitions

The district defines terms related to student records as follows:

- A. **Adult Student:** a student who has reached 18 years of age or is attending an institution of postsecondary education
- B. **Educational Record:** Records directly related to a student and maintained by the district or by a person acting on behalf of the district
- C. **Directory Information:** PPS identifies the following as directory information: student name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous school attended.
- D. **Disclosure:** To permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any person, by any means—oral, written, or electronic.

#### III. Annual Notification to Parents and Adult students

The district provides annual notice to parents of all students, currently in attendance, and adult students currently in attendance, as required by FERPA and state regulations.

#### IV. Confidentiality of Student Records

- A. The district keeps confidential any record maintained on a child with a disability, protecting the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- B. The district designates one official responsible for ensuring the confidentiality of any personally identifiable information.

- C. The district ensures the confidentiality of personally identifiable information is protected at collection, storage, disclosure, and destruction stages.
- D. The district ensures that each person collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing records and confidentiality of personally identifiable information in accordance with applicable laws and regulations.
- E. With respect to students with disabilities, the district maintains for public inspection a current listing of the names and positions of those employees within the agency who have access to personally identifiable information based on a legitimate educational interest.
- F. The district maintains a record of access of other authorized parties reviewing or receiving the personally identifiable information for students with disabilities in the same manner as for all students.

#### **V. The Rights of Parents and Adult Students Regarding Educational Records**

- A. Parents of students with disabilities have the same student records rights as all students in the district.
- B. The district permits a parent, adult student, or a representative of the parent or adult student to inspect and review any educational records relating to the student that are collected, maintained, or used by the district, as required by applicable law and regulations.
- C. The district provides parents or adult students, on request, a list of the types and locations of education records collected, maintained, or used by the district.
- D. The district complies with requests from a parent or adult student to inspect and review any education records without unnecessary delay and before any meeting relating to the identification, evaluation, or placement of the student or regarding an IEP, hearing, or resolution session, and in no case more than 45 calendar days after the request has been made;
- E. If a parent or adult student requests a copy of the student's records, the district gives the parent or adult student a copy, with the exception of test questions and answers unless authorized by federal law.
- F. The district may charge a copying fee consistent with 2.50.012-AD.

## **VI. Prior Consent to Disclose Information**

- A. The same parent consent and exception to parent consent provisions apply to confidential information about students with disabilities as for all students in the district.
- B. The district obtains written consent before personally identifiable information is disclosed to officials of participating agencies providing or paying for transition services.
- C. For non-resident children enrolled by their parents in private schools within the district, the district obtains written parental consent before disclosing personally identifiable information to the district of the parent's residence.
- D. The district obtains written consent from the parent or adult student before permitting personally identifiable information to be used for any purpose other than meeting a requirement under these procedures.

## **VII. Transfer of Student Education Records**

- A. The same transfer of education records provisions applies to special education records as for all other education records.
- B. When original records have been transferred to a new educational agency, as required by law, the former district must retain readable photocopies of the following documents for the time periods and under the conditions as prescribed in the record retention rule,
- C. For students in substitute care programs:
  - 1. The district notifies the school, institution, agency, facility or center in which the student was formerly enrolled and requests the student's education records within five days of the student seeking initial enrollment; and
  - 2. Upon receiving a request, the district transfers all student education records related to the particular student to the requesting school, institution, agency, facility or center no later than five days after the receipt of the request.

## **VIII. Retention of Special Education Records**

- A. The district retains copies of the following documents for the prescribed time periods designated in State Archives Rules, including:
  - 1. The student's permanent record as defined in the district's records policy;
  - 2. Such special education records as are necessary to document compliance with state and federal regulations, including eligibility documents, IEPs, notices, and IEP progress reports for at least the previous five (5) years.

3. Records documenting speech pathology and physical therapy services: until the student reaches age 21 or 5 years after last seen, whichever is longer.

#### **IX. Destruction of Information**

- A. The district sends written notice to inform parents or adult students when personally identifiable information collected, maintained, or used by the district is no longer needed to provide educational services to the student. This notice requirement applies only to information that would otherwise be retained under the State Archives Rules.
- B. The determination as to whether personally identifiable information is needed to provide educational services to a student is made by the district after careful review of the information and with the concurrence of the student's current teacher or teachers, if the student is currently enrolled in the district.
- C. The written notice sent to the parent or adult student describes the personally identifiable information that the district intends to destroy and informs the parents that the information will be destroyed no earlier than 60 days from the date of the notice. The notice also outlines the procedure which the parent or adult student may follow if they wish to formally object to the destruction of the records in question.
- D. Upon request of the parent or adult student, the district will destroy such personally identifiable information provided that the district may maintain a permanent record without time limitation of the student's name, address and phone number, grades, attendance records, classes attended, grade level completed, and year completed.
- E. The district will not destroy any education records if there is an outstanding request to inspect and review the records.

#### **X. Amendment of Records at Parent's Request**

- A. A parent or adult student who believes that information in the education records is inaccurate or misleading or violates the privacy or other rights of the student may request the district to amend the information.
- B. The district, upon receiving a request from a parent or adult student, will decide whether to amend the information as requested within ten days from the date of receipt of the request.
- C. The district determines that information contained in an education record is "inaccurate" if the district, after reviewing the information, concludes that it is untrue or cannot be substantiated.
- D. The district determines that information contained in an education record is "misleading" if the district, after reviewing the information, concludes that a person

reading the record would likely arrive at an inaccurate conclusion regarding the personal characteristics or history of the student who is the subject of the educational record.

- E. The district determines that the information contained in an education record "violates the privacy or other rights of the student" if the District determines that the information contained in the education record concerning the personal characteristics or personal history of the student:
  - 1. If disclosed, would cause adverse consequences such as severe embarrassment for the student or the student's parents; or
  - 2. Need not be included in the education record in order for the education record to be appropriately used by the district.
- F. If the district refuses to amend the information, the district will inform the parent or adult student of the refusal and advise the person of the right to a student records hearing.

#### **XI. Student Records Hearing**

- A. The district will provide an opportunity for a student records hearing to the parent or adult student to challenge information in the education records.
- B. If, as a result of a student records hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the district will amend the information and will provide written notice to the parent or adult student requesting the amendment.
- C. If, as a result of a student records hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the district will inform the parent or adult student of the decision and of the right to place in the student's records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district.
- D. The district ensures that a statement placed in an education record meets the following requirements:
  - 1. Is maintained by the district as part of the records of the student as long as the record or contested portion is maintained by the district; and,
  - 2. Is disclosed by the district to any person to whom the records of the student or the contested portion are disclosed.

## **XII. Student Records Hearings Requirements**

- A. The district will hold the hearing within a reasonable time after it has received a request for a student records hearing.
- B. The district will give the parent or adult student notice of the date, time, and place reasonably in advance of the hearing.
- C. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing.
- D. The district will give the parent or adult student a full and fair opportunity to present evidence relevant to the issues raised.
- E. The parent or adult student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- F. The district will make its decision in writing within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing, and will include a summary of the evidence and the reasons for the decision.

## **XIII. Disclosure of Student Records to Judicial Authorities**

- A. The district may disclose personally identifiable information or other information allowed to be disclosed under FERPA from a student's education record to courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies when:
  - 1. Disclosure relates to these agencies ability to serve the needs of a student prior to the student's adjudication under ORS chapter 419C; and,
  - 2. The person receiving the information certifies, in writing, that they will not disclose the information to a third person other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.
- B. If the district reports a crime committed by a student with a disability, the district will transmit a copy of the student's special education and disciplinary records to the appropriate authorities for consideration, only if:
  - 1. The disclosure is with consent of the parent or adult student; or,
  - 2. The disclosure is permitted under one of the exceptions to consent.

#### **XIV. Distribution of Student Records Rules**

The district makes student records rules available to the public schools in the district and to the public.

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**Student Education Records, Access, and Confidentiality**

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**List of the Types and Locations of PPS Student Educational Records**

<b>Type of Record</b>	<b>Location of Record</b>
Student's cumulative file ("cum" file)	Current school or school of last attendance in PPS
Special education file ("green file")	Special Education Department (BESC)
Electronic student record system	Electronic record
Section 504 records	Cum File at current school or school of last attendance in PPS
School health records	School nurse files at current school
Enrollment & Transfer records	Enrollment & Transfer Department (BESC)
Columbia Regional Program records	Columbia Regional Program, Wilcox site
Multnomah ESD files	Multnomah ESD



## Useful Links and Resources

### FERPA

[FERPA Tip Sheet](#) (PPS General Counsel's Office)

[Requests for Records](#) (PPS General Counsel's Office)

[FERPA Q & A](#) (PPS General Counsel's Office)

### OR SPED

[OR SPED Manual](#) (scroll down to Or SPED Manual)

### PPS Records Management

[PPS Student Education Records Policy](#)

[PPS Education Records Management AD](#)

[PPS School Records Retention AD](#)

[PPS Records Management Manual](#)

[PPS Records Retention Quick Reference Guide](#)