

Douglas Education Service District

Code: **JOB**
Adopted: Unknown
Readopted: 10/15/15
Orig. Code(s): 7400-AR; 8500-AR; 9050-AR

Personally Identifiable Information**

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parents or other family member;
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number or student ID number or biometric record;
5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth or mother's maiden name;
6. Other information alone or in combination that would make the student's identity easily traceable;
7. Other information requested by a person who the ESD reasonably believes knows the identity of the student to whom the educational record relates.

Prior Consent to Release

The ESD will not release personally identifiable information without prior signed and dated consent of the parent, student 18 years of age or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or eligible student, the ESD will provide a copy of the disclosed record.

Exceptions to Prior Consent

The ESD may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the ESD or a student's resident district who have a legitimate educational interest in the information sought;
2. To personnel of another education service district or state regional program where the student is enrolled or is receiving services;

3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state supported education programs or the enforcement of or compliance with federal or state supported education programs or the enforcement of or compliance with federal or state regulations;
5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the ESD;
7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issues subpoena;
9. For health or safety emergency;
10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 years of age or older or emancipated;
12. Because information has been identified as “directory information;”
13. To a court and state and local juvenile justice agencies;
14. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependancy matters;
15. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

Prior Consent to Disclose Information From Student Educational Records

1. The ESD shall obtain signed and dated written consent from the parent of an ESD student or adult student before permitting personally identifiable information to be disclosed to anyone other than officials of participating agencies collecting or using information for the purposes of the activities described in these procedures and only where the disclosure is consistent with all applicable federal statutes.
2. The ESD shall obtain written consent before personally identifiable information is disclosed to officials of participating agencies providing or paying for transition services.
3. For nonresident children enrolled by their parents in private schools within the ESD’s jurisdiction, the ESD shall obtain written parental consent before disclosing personally identifiable information to the district of the parent’s residence.

4. The ESD shall obtain written consent from parent of an ESD student or adult student before permitting personally identifiable information to be used for any purpose other than meeting a requirement under these procedures.
5. The written consent shall specify the records to be disclosed, the purpose of the disclosure and the person or persons to whom the disclosure may be made.
 - a. When a disclosure is made, the ESD shall provide a parent or adult student a copy of the disclosed record upon request.
 - b. The ESD shall not release information from educational records without parent consent unless permitted under an authorized exception.

Disclosure of Student Educational Records to Judicial Authorities

1. The ESD 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:
 - a. Disclosure relates to these agencies ability to serve the needs of a student prior to the student's adjudication under ORS chapter 419C; and
 - b. 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.
2. If the ESD reports a crime committed by an ESD student, the ESD will transmit a copy of the student's educational and disciplinary records to the appropriate authorities for consideration, only if:
 - a. The disclosure is with consent of the parent or adult student; or
 - b. The disclosure is permitted under one of the exceptions to consent.

Exceptions to Prior Consent to Disclose Information From Student Educational Records

1. The ESD may disclose personally identifiable information from an ESD student's educational record if the disclosure is:
 - a. To school officials and teachers who have legitimate educational interests in the student;
 - b. To Board members during executive session;
 - c. To officials of another school, school system, institution of postsecondary education, education service district, state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll, is enrolled in or receives services from this agency. The term "receives services" includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
 - d. To authorized representatives of government agencies;
 - e. To accrediting organizations to carry out their accrediting functions;
 - f. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - g. Based on a judicial order or lawfully issued subpoena. The ESD may disclose information under this section only if the ESD makes a reasonable effort to notify the parent or adult student of the order or subpoena in advance of compliance;

- h. In connection with a health or safety emergency to law enforcement, child protective services, health care professionals and other appropriate parties if knowledge of the information is necessary to protect the health and safety of the student or other individuals. A “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a student who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect; or
 - i. Information the ESD has designated as “directory information”, if the ESD has given annual public notice to parents of students in attendance and adult students in attendance of:
 - (1) The types of personally identifiable information that the educational agency or institution has designated as directory information;
 - (2) A parent or adult student’s right to refuse to let the educational agency or institution designate any or all of those types of information about the student as directory information; and
 - (3) The period of time within which a parent or adult student has to notify the educational agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.
2. The ESD may disclose educational records of a student without consent to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction only if:
- a. The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and
 - b. The information is destroyed when no longer needed for the purposes for which the study was conducted;
 - c. For the purposes of this section, the term “organization” includes, but is not limited to, federal, state, local agencies and independent organizations;
 - d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to:
 - (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid;
 - (4) Enforce the terms and conditions of the aid.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)

[ORS 326.575](#)
[ORS 336.187](#)

[OAR 581-015-2000](#)
[OAR 581-021-0220 to -0430](#)
[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011).
Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).
Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221.

Cross Reference(s):

IGBAB/JO - Education Records/Records of Students with Disabilities
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