Neah-Kah-Nie
School District 56

Code: **IGBAB/JO**
Adopted: 4/14/08

Education Records/Records of Students with Disabilities**

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

The district shall withhold the grade reports, diploma and records of students or former students who owe fees, fines or damages of $50 or more, and may withhold the grade reports, diploma and records of students or former students who owe less than $50, until those fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of withholding stating the district's intent to withhold records until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The notice will also state that the district may pursue the matter through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. 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 the of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student's records;

2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;

3. Consent to disclosures of personably identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);

4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and

5. Obtain a copy of the district's education records policy.

Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years or older or emancipated and the general public.

END OF POLICY

Legal Reference(s):

ORS 30.864
ORS 107.154
ORS 326.565
ORS 326.575
ORS 339.260
ORS 339.270
ORS 343.177(3)
OAR 166-400-0010 to 166-450-0010
OAR 581-021-0220 to -0430
OAR 581-022-1660
OAR 581-022-1670

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 (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).