Sherman County S. D.

Code: **JO-AR**
Adopted: 8/14/95

Education Records Management

I. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district. However, this does not include the following:

A. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
B. Records of a law enforcement unit of the district, but only if education records maintained by the district are not disclosed to the unit, and the law enforcement records are:
   1. Maintained separately from education records;
   2. Maintained solely for law enforcement purposes; and
   3. Disclosed only to law enforcement officials of the same jurisdiction.
C. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his or her status as a student are education records and are not excepted under this section;
D. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
   1. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
   2. Made, maintained or used only in connection with treatment of the student; and
   3. Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
E. Records that only contain information relating to activities in which an individual engaged after he or she is no longer a student at the district;
F. Medical or nursing records which are made or maintained separately and solely by a licensed health care professional and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

A. Name of school;
B. Full name of the student;
C. Student birth date and place of birth;
D. Name of parents/guardians;

E. Date of entry in school;
F. Name of school previously attended;
G. Subjects taken;
H. Marks received;
I. Credits earned;
J. Attendance;
K. Date of withdrawal from school; and
L. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

II. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district STUDENT/PARENT HANDBOOK or any other means that would reasonably likely inform the parent's or eligible student's of their rights. This notification shall state that the parent(s) or eligible student has a right to:

A. Inspect and review the student's education records;
B. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
C. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
D. Pursuant to Oregon Administrative Rule 581-21-410, file with the United States Department of Education a complaint under 34 CFR §99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
E. Obtain a copy of the district policy with regards to student education records.

The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) have a primary or home language other than English, the district shall provide effective notice.
These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a

secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

III. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

A. Provide a written, dated request to inspect a student's education record;
B. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall comply with a request for access to a student's education record within a reasonable period of time, but in no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The district shall not destroy any education records if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-21-220(5)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of their choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record. The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in ORS 192.501(4).
The district may deny a request for a copy or copies of the education record when the district believes that a legitimate cause exists for such a denial, including but not limited to, a request to copy the education record that would require the education record to be copied off district property or copied by an individual other than district personnel.

Fees for copies of education records may be charged. Any such fees will be established by the superintendent to reasonably reimburse the district for actual costs of making copies of the education records.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

All student education records will be maintained at the school building at which the student is in attendance. The school principal or his or her designee shall be the person responsible for maintaining and releasing the education records.

IV. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

A. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

   As used in this section, "legitimate educational interest" means, a licensed staff member having the student in class, the student's counselor or other licensed or non-licensed staff due to special referral or participating in staffings, programming or case review of a specifically named student.

   The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

B. The disclosure is to officials of another school within the district;

C. The disclosure is to authorized representatives of:
   1. The Comptroller General of the United States;
   2. The Secretary of the United States Department of Education; or
   3. State and local educational authorities.

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 for such purposes as to:
   1. Determine eligibility for the aid;
   2. Determine the amount of the aid;
   3. Determine the conditions for the aid; or
   4. Enforce the terms and condition of the aid.

   As used in this section "financial aid" means any payment of funds provided to an individual that is conditioned on the individual's attendance at an educational agency or institution.

E. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
   1. Develop, validate or administer predictive tests;
   2. Administer student aid programs; or
   3. Improve instruction.

   The district may disclose information under this section only if:
   1. The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
   2. The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term "organization" includes, but is not limited to, federal, state and local agencies, and independent organizations.

F. The disclosure is to accrediting organizations to carry out their accrediting functions;
G. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance;
H. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
I. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health care professionals and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

   As used in this section 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 pursuant to applicable state law.

J. The disclosure is information the district has designated as "directory information";
K. The disclosure is to the parent of a student who is not an eligible student or to an eligible student;

L. The disclosure is to an education service district, state regional program or an educational agency other than those requesting a transfer of the student's education record as outlined in OAR 581-21-250(1)(l), if the student seeks or intends to enroll in or receives services from the educational agency. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability;
M. The disclosure is to the district's board during an executive session pursuant to ORS 332.061.

V. Recordkeeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the recordkeeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:
A. The party or parties who have requested or received personally identifiable information from the education records; and
B. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:
A. The parent(s) or eligible student;
B. The school official or his or her assistants who are responsible for the custody of the records;

C. Those parties authorized by state or federal law for purposes of auditing the recordkeeping procedures of the district.

VI. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believe the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, he or she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

VII. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district superintendent or his or her designee shall be the hearings officer. The hearings officer will establish a date, time and location for the hearing. The hearing will be held within ten (10) working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of: (1) the principal or his or her designee, (2) a member chosen by the eligible student or student's parent(s) and (3) a disinterested, qualified third party appointed by the superintendent. The hearings shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and makes its recommendation in writing within ten (10) working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than ten (10) working days following the close of the hearing and submitted to all parties. If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights

of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the panel. If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

A. Amend the record accordingly; and
B. Inform the eligible student or the student's parent(s) of the amendment in writing.

VIII. Transfer of Education Records

The district (hereinafter referred to as the new district) shall, within ten (10) working days of a student seeking initial enrollment in a school within the new district, notify the public or private school, institution, agency or center in which the student was formerly enrolled (hereinafter referred to as the former district) and shall request the student's education records.

The former district shall, subject to ORS 339.260, transfer all student education records including any education service district records relating to the particular student to any public or private school, state institution, private agency or the educational component of a youth care center when a request to transfer the education records is made on the former district. The transfer shall be made no sooner than seven (7) working days after receiving the request, unless a request is made by the parent or the eligible student to review the education record being transferred. If no request is made to review the education record the former district shall transfer the education record no later than ten (10) working days after the receipt of the request to transfer the education records. A copy of the education records to be transferred shall be retained by the former district.

The copy of the student's education records shall be kept for three (3) years following the school year in which those records were created for students not found to be eligible for special education. Copies of education records for students eligible for special education shall be kept for five (5) years following the school year in which those records were created. Copies of the records that the district determines by policy to be permanent records, in accordance with OAR 581-21-250(1)(i), shall be kept permanently by the district.

If the student is transferring to another elementary or secondary school within the district, the district shall transfer the records to the school within ten (10) working days of the notice of the transfer.

The district does not need to notify the eligible student or the student's parent(s) of the request to transfer the education records of a student if the transfer is within the district.

IX. Duties and Responsibilities When Requesting Education Records

The district (hereinafter referred to as the new district) shall, within ten (10) working days of a student seeking initial enrollment in a school within the new district, notify the public or private school, institution, agency or center in which the student was formerly enrolled (hereinafter referred to as the former district) and shall request the student's education record.

The new district shall inform the eligible student or student's parent(s) of the following:

A. Subject to ORS 339.260, the former district will notify the eligible student or student's parent(s) within three (3) days of receipt of the request for transfer from the new district;
B. The notification that the eligible student or student's parent(s) receive from the former district will contain the following:
   1. A statement that the records have been requested by the new district and the date the request was received by the former district;
   2. A statement that the eligible student or student's parent(s) have the right to review the education records that are subject to transfer and to request an amendment of specified contents of the education records pursuant to OAR 581-21-300 if the eligible student or student's parent(s) believe that the contents are inaccurate, misleading or in violation of the privacy or other rights of the student. The eligible student or student's parent(s) are entitled to a hearing conducted by the former district under OAR 581-21-310 if the former district refuses the request to amend specified contents in the student's education record. The hearing shall be conducted by the former district pursuant to OAR 581-21-320;
   3. A statement that the eligible student or student's parent(s) written request for review or amendment of the education records must be received by the former district before the tenth (10th) working day after the former districts' receipt of the request for records. However, nothing shall prevent the eligible student or student's parent(s) from reviewing education records pursuant to OAR 581-21-270 and 581-21-300 at any time after the education records have been transferred to the new district;
   4. A statement that the former district shall transfer the education records of the student to the new district on the tenth (10th) working day after the receipt of the request for transfer unless the former district receives the eligible student's or student's parent(s) request for review or amendment of specified content of an education record before that date.

The new district shall request and as authorized release to the former district, the eligible student's or student's parents' address and telephone number and forward that information to the former district with the request for release of education records.

X. Duties and Responsibilities When Transferring Education Records

The district (hereinafter referred to as the former district) shall, within three (3) working days of receiving a request for transfer of education records, provide notice to the eligible student or student's parent(s) by telephone or regular mail that a request has been made for education records.

The notice provided to the eligible student or student's parent(s) shall contain the following:
A. The date the request for transfer of educational records was received by the former district;
B. A statement that the eligible student or student's parent(s) have the right to review the education records that are subject to transfer and to request an amendment of specified contents of the education records pursuant to OAR 581-21-300 if the eligible student or student's parent(s) believe that the contents are inaccurate, misleading or in violation of the privacy or other rights of the student. The eligible student or the student's parent(s) are entitled to a hearing under OAR 581-21-310 and district policies pertaining to such hearings, if the former district refuses the request to amend specified contents in the student's education

record. The hearing shall be conducted pursuant to OAR 581-21-320 and district policies implementing that provision;

C. A statement that the eligible student's or student's parent(s) written request for review or amendment of the education record must be received by the former district before the tenth (10th) working day after the former district receives the request for transfer of records from the new district;

D. A statement that if an eligible student or student's parent(s) makes a timely written request for review or amendment, all education records, except those subject to review or amendment, shall be transferred on the tenth (10th) working day after receipt of the request for transfer from the new district.

The notice requirements and other applicable provisions described above in the policy and OAR 581-21-250(1)(m), may be provided to the eligible student or student's parent(s) by the former district at the time the eligible student or student's parent(s) formally withdraws the student from the former district. The eligible student or student's parent(s) may waive the right to request to review or amend the education records that are subject to transfer.

The former district may transfer the education record at any time, including before the tenth (10th) working day after the receipt of the request for transfer from the new district, if notice to the eligible student or student's parent(s) has been given by the former district pursuant to the above policy and the eligible student or student's parent(s) expressly waives his or her right to review and request an amendment of the student's education record subject to transfer to the new district.

SHERMAN COUNTY SCHOOL DISTRICT
P.O. Box 38
Rufus, OR 97050-0038
Phone: (503) 739-2772

****** NOTICE OF THE RIGHTS OF ELIGIBLE STUDENTS OR PARENTS PERTAINING ******
TO EDUCATION RECORDS WHEN TRANSFERRING INTO SHERMAN COUNTY SCHOOL DISTRICT

Welcome to Sherman County School District! In order to appropriately place your student into our educational program, we will be requesting your student's education records from his/her previous school district.

Under Oregon and federal law, the eligible student or student's parent(s) is/are given certain rights when education records are transferred from your former school district to [ ] School District.

You will be notified by your former school district that the [ ] School District has requested the student's education records and the date that request was made. Within that notification, you will be told of your rights to:

1. Review the education records subject to transfer;

2. Request an amendment of specified contents of the education records pursuant to Oregon Administrative Rule (OAR) 581-21-300 if you believe that the contents are inaccurate, misleading or in violation of the privacy or other rights of the student;

3. Request a hearing pursuant to OAR 581-21-310 if you request an amendment to the education records and the amendment is not made by your former school district. The hearing will be conducted pursuant to OAR 581-21-320.

If you wish to review and/or amend the education records that your former school district will be transferring to the [ ] School District, you will need to notify your former school district, in writing, of your desire to do so. That written request must be made upon your former school district within ten (10) working days from the date your former school district receives our request for the transfer of the education records. If you do not make a written request within ten (10) working days of the request, your former school district will transfer the education records to us. If you should choose to make a written request to review or amend the education records, your former school district will transfer the portion(s) of the education records that you do not want to review or amend.

In order for your former school district to notify you of our request for the transfer of education records, we would ask you to please fill out the attached form so that we can provide that information to your former school district.

Again, welcome to the Sherman County School District!

This notice is made pursuant to OAR 581-21-250 (1)(l)

ADDRESS INFORMATION SHEET

Student's Name(s)

_____

_____

_____

_____

Parent or Guardian's Name _____

New Address _____

_____

Home or Work Telephone Number _____

_____ _____

Signature Date

SHERMAN COUNTY SCHOOL DISTRICT
P.O Box 38
Rufus, OR 97050-0038
Phone: (503) 739-2772

****** NOTICE OF REQUEST FOR TRANSFER OF EDUCATION RECORDS ******

We have received notice from the _____ School District of your intent to enroll
(new)
your student. Accompanying the notice of your intent to enroll your student, they have requested your student's education records in order to place your student within their educational program. We received that notice on _____.
(date)

Under Oregon and federal law, when a request for transfer of education records is made, we must notify you of your rights to review and/or amend the education records prior to transfer.

Under the law, you have the following rights:

1. To review the education records that are subject to transfer;

2. To request an amendment of specified contents of education records if you believe that the contents are inaccurate, misleading or in violation of the privacy or other rights of the student;

3. Should we refuse your request to amend the education record, you have the right to a hearing under Oregon Administrative Rule (OAR) 581-21-310. That hearing would be conducted in accordance with OAR 581-21-320 and our policies implementing that rule.

Should you choose to exercise your right to review and/or amend the education records subject to transfer, we must receive a written notice from you within ten (10) working days of the date we received the request to transfer the education records. If we do not receive a written request from you, we will transfer the education records to your new school district within ten (10) working days of the request. If you do make a timely written request to review and/or amend the education records, we will transfer only those records that are not subject to the review and/or amendment on the tenth (10th) working day after receipt of the request for transfer.

Should you have any questions, please feel free to contact our offices Monday through Friday.

This notice is made pursuant to OAR 581-21-250 (1)(m)

SHERMAN COUNTY SCHOOL DISTRICT
P.O. Box 38
Rufus, OR 97050-0038
Phone: (503) 739-2772

****** PERMISSION TO RELEASE PERSONALLY IDENTIFIABLE INFORMATION ******

I hereby give my permission to _____,
(Name of school, agency or person)

_____, to release the following information from the

education records of _____ _____ _____
(Student's name) (Birth date) (Grade)

for educational planning/appropriate placement purposes.

INFORMATION REQUESTED: (Please state education records that may be released.)

_____ _____ _____
(Parent or Eligible Student Signature) Address Phone

* *

PLEASE SEND RECORDS TO: _____
(Person or Agency)

_____
(Address)

_____

_____
(Title)

This release is made pursuant to OAR 581-21-330.

SHERMAN SCHOOL DISTRICT
P.O. Box 38
Rufus, OR 97050-0038
Phone: (503) 739-2772

****** CONSENT FOR RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION FOR ******
USE IN SCHOOL ANNUAL, YEARBOOK, CLASS PHOTOGRAPH OR SCHOOL NEWSPAPER

I hereby give permission to [ ] School District to release personally identifiable information from the education records of (student's name) , for the sole purpose of use in the school annual, yearbook, class photograph or school newspaper.

For the sole purpose of this consent, personally identifiable information shall be limited to the student's photograph.

The disclosure of this information shall be made to the public-at-large.

_____ _____
Signature of Parent or Eligible Student Date

NOTE: THIS CONSENT IS EFFECTIVE UNTIL REVOKED IN WRITING BY EITHER PARTY, THE NAMED STUDENT TERMINATES ATTENDANCE AT THIS SCHOOL DISTRICT OR UNTIL THE NAMED STUDENT BECOMES ELIGIBLE TO PROVIDE HIS/HER OWN CONSENT.

AUTHORITY: ORS 326.565
OAR 581-21-250 (1)(h)
OAR 581-21-330 (4)

DISCLOSURE STATEMENT
Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

> "Providing your social security number (SSN) is voluntary. If you provide it, the school district will use your SSN for record-keeping, research, and reporting purposes only. The school district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described."

On the back of the same form, or attached to it, the following statement shall appear:

OAR 581-21-250 (1)(j) authorizes school districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and recordkeeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps school districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.

The school district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

> The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.
>
> State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.
>
> Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.