

**WEST LINN-WILSONVILLE SCHOOL DISTRICT  
SCHOOL BOARD POLICY**

Current File Code: JOA  
Adopted: 9-10-07

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**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 the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- 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/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 post-secondary education, that are:
  - 1. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/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/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. Demographic Information

1. Name and address of the district and school
2. Full legal name of the Student
3. Student's birth date and place of birth
4. Name of parents/guardians
5. Date of entry into the school
6. Name of out-of- district school previously attended
7. Date of withdrawal from school
8. Home language survey information
9. Social security number\*
10. Legal information (e.g. power of attorney, court documents, etc.)

B. Grades/Attendance

1. Courses of study and grades or measure of progress (Middle School report card; Primary School PR98.1, PR98.2)
2. High School Transcript
3. Attendance record

C. Academic Assessment

1. Oregon State Assessment (OSA)
2. District Assessment Tests
3. Other tests of academic ability and achievement

D. Educational Program Records (including test protocols for eligibility)

1. Gifted and Talented
2. Alternative Education
3. English Second Language (ESL)
4. Title I
5. Special Education (current IEP)
6. Section 504 Accommodation Plan
7. Pre-referral or staffing records

E. Student Health Records

1. Documentation of student health care responsibilities and activities performed by district health care professionals (medication administration records, nursing assessment and nursing care given in school setting, medical records from outside health care providers and agencies)
2. Health screening records (vision/hearing/scoliosis screening, certificate of immunization status, health management protocol)

## F. Major Behavior Records

1. Student behavioral infractions that identify student for suspension or expulsion.
2. Psychological tests.
3. Personality tests.
4. Group or individual intelligence tests

The district may request the social security number of the student and will include the social security number on the permanent record only if the eligible 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.

Other information and records may be kept by the staff or other agencies that provide educational services to a student. This information or will not be placed in the education record file, but will be handled in the following way(s):

### A. Staff Working Files

1. While not kept in the permanent file, items may include:
  - a. Minor behavior records
  - b. Meeting notes
  - c. Test protocols (not identified for the education record)
  - d. Record of contacts or calls

### B. Student Portfolio of Worksamples

1. May be housed at the school during the time the student attends.
2. May be sent on to schools at the same level. Will not be sent on to schools at the next level.
3. While not kept in the permanent file, the collection of evidence (COE) may include, but not be limited to these types of information:
  - a. Writing samples
  - b. Math problem solving
  - c. Projects
  - d. Digital presentations
  - e. Speaking

### C. Home School Records

1. In the case of a home-schooled student who enrolls in the district, then returns to home schooling, the education record will be handled as an

inactive permanent education record and be destroyed five years after creation of the record.

2. However, if a student has established a high school transcript, the education record will be treated as a permanent education record.
3. May include, but not limited to these types of information:
4. Will be housed at Clackamas County Education Service District (ESD).

Education records will be managed in the following way:

A. The education record will be kept in a single file

1. Single letter-sized file folder
  - a. Tabbed at top and side
  - b. Expandable to one inch
  - c. Tabs color-coded with heading for each section of the education record.
2. Printed information will come from the following sources:
  - a. District student information system (computerized)
  - b. District Assessment Tests record keeping system

B. The education record will be housed at the attending school. The district shall retain permanent records in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location. This will include the HS transcript only.

C. The education record will be transferred to a receiving school in the follow manner:

1. Record sent out-of-district
  - a. Photocopy all contents of the education record before sending. Destroy the photocopy after one year.
  - b. However, schools do not need to photocopy the special education records. The Student Services Office will produce and retain the photocopy of the special education records.
  - c. Both the attending school and district Student Services office will send copies of special education records.

## 2. Records sent in-district

- a. Primary and middle schools will pass on education records to the next school level. This includes education records that were not requested by students who moved or are not attending.
- b. High schools will keep education records, unless a student moves to another district.

D. The education record will be retained on the following schedule:

1. No requirements for working files.
2. The original education record will be housed permanently at the student's high school in the form of the transcript.
3. The last attending school will retain the complete education record for 5 years, then destroy the record.
4. The district Student Services office will retain the complete special education record for 5 years, then destroy the record.
5. High schools will work with the business office to contract the annual shredding of records.

## 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 are reasonably likely to inform the parents or eligible students 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 OAR 581-021-0410, 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 regard to student education records

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0250 (l)(m) and (p) within 10 days of receiving the request.

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) has 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 post-secondary 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.

To inspect and review a student's education record, the parent(s) or eligible student shall provide a written, dated request.

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

The district shall comply with a request from a parent to examine student education records without unnecessary delay, but in no case more than 45 days after the request has been made.

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

The district shall not destroy any education record 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 "educational records" in OAR 581-021-0220 (6)(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 his/her 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 Oregon Revised Statutes (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 principal or his/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 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 staffing, 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;
3. State and local educational authorities; or
4. The Oregon Secretary of State's Audit Division.

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 organizations; 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.

## **V. Record keeping 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 record keeping 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 purpose. 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/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 record keeping procedures of the district.

## **VI. Request for Amendments of Student's Education Record**

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights or privacy or other rights, he/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 superintendent or his/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 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/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 hearing 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 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 make its recommendation in writing within 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 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/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. Duties and responsibilities When Requesting Education Records**

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency or youth care center in which the student was formerly enrolled and shall request the student's education records.

#### **IX. Duties and Responsibilities When Transferring Education Records**

The district shall, subject to ORS 339.260, transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. Readable copies of the following documents shall be retained:

- A. The student's permanent records, for one year;
- B. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created.

#### **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 decisions 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 581-021-0250 (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 record keeping. 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 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 purpose as listed above. State and federal law protects the privacy of your records.

END OF POLICY