

### **Education Records/Records of Students with Disabilities\*\***

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

The ESD 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 ESD 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 ESD may impose certain restrictions and/or penalties until 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 any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the ESD, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The ESD may pursue the fees, fines or damages through a private collection agency or other method available to the district. The ESD 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 ESD shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The ESD 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 district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The ESD provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the ESD.

The ESD 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 personally 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 ESD to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the ESD's education records policy.

Regarding records to be released to ESD officials within the agency, the ESD's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests. ESD officials may also include a volunteer or contractor who performs an institutional service on behalf of the ESD.

The ESD 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 ESD shall give full rights to education records to either parent, unless the ESD 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 of age or older or emancipated and the general public.

END OF POLICY

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\*\*As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.004(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

**Legal Reference(s):**

[ORS 30.864](#)  
[ORS 107.154](#)  
[ORS 326.565](#)  
[ORS 326.575](#)

[ORS 326.580](#)  
[ORS 339.270](#)  
[ORS 343.177\(3\)](#)  
[OAR 166-400-0010](#) to 166-400-0065

[OAR 581-021-0220](#) to-0430  
[OAR 581-022-2260](#)  
[OAR 581-022-2270](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2017).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).