

STUDENT RECORDS PROCEDURES

The NWESD 189 records custodian will manage student records for students referred by member districts for NWESD 189 cooperative program placement in the following manner:

Type of Records: Student records are divided into two categories, the cumulative folder and supplementary records.

The Cumulative Folder: May contain all information about a student that is collected and maintained on a routine basis, such as identifying information (name, birthdate, sex, year in school, address, telephone number, parent's name, ethnic classification, emergency information, parent's place of employment, family doctor, babysitter, siblings), attendance records, grades and other student progress reports, results of tests of school/program achievement, aptitude, interests, hearing and vision, health and immunization status reports, records of school/program accomplishments and participation in school/program activities, verified reports of misconduct, including a record of disciplinary action taken, and such other information as will enable staff to counsel with students and plan appropriate activities. Identifying information may be limited if the student is a participant in the state *Address Confidentiality Program*.

Supplementary Records: Supplementary records about a student may be collected and maintained in connection with special school/program concerns about the student, such as reports connected with assessment and placement of a student who is formally identified as a "focus of concern," reports from non-school persons and organizations such as physicians, psychologists and clinics, except for general screening purposes, reports pertaining to specific problems associated with the student, and current reports of psychological tests and progress reports related to a student's disabling condition. All such reports included in records will be dated and signed.

For the purpose of this procedure, working notes of staff are defined as those records about students that are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute for that staff member. Working notes are not considered student records within the purview of this procedure.

Accessibility of Student Records: Information contained in the cumulative folder and/or supplementary records will be provided to persons and agencies as follows:

Parents/Guardians: Parents/Guardians of dependent children have the right to inspect the cumulative folder and/or supplementary records of their child(ren).

- 1) Upon the request of the parent/guardian or a staff member, a qualified staff member will provide the parent/guardian with analysis and interpretation of all information in the cumulative folder and supplementary records. The review will occur within five (5) school business days after the NWESD 189 receives a request unless a written explanation for the failure to do so is supplied by the custodian of records. In no case will the review occur later than forty-five (45) days after the parent/guardian makes the request.

- 2) Inspection and review will be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians will provide assistance in the interpretation and analysis of student records as needed. Although records must remain within NWESD 189 control, they may be copied or reproduced by or for the parent/guardian or eligible student at their own expense.

The Student: Upon the request of the student, a qualified staff member will interpret information from the cumulative folder to the student. The qualified staff member will interpret information contained in supplementary records to the student upon his/her request and with the consent of the parent/guardian. The adult student may inspect his/her cumulative folder and supplementary records. The right of access granted the parent/guardian or adult student includes the right to be provided a list of the types of student-related education records maintained by the program and NWESD 189 and directly related to students. The parent/guardian and adult student will have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access will apply only to that portion of the record or document that relates to the student.

Parents/guardians and adult students will be notified annually of their right to inspect and review the records of their children and their other rights under the *Family Education Rights and Privacy Act* (FERPA) through the procedures established by each participating district:

The *Family Educational Rights and Privacy Act* (FERPA) affords parents and students over eighteen (18) years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

- 1) The right to inspect and review the student’s education records within forty-five (45) days of the date the NWESD 189 receives a request for access.

Parents/guardians or eligible students should submit a written request to the NWESD 189 records custodian that identifies the record(s) they wish to inspect. The records custodian will arrange for access and notify the parent/guardian or eligible student of the time and place where they may inspect the records.

- 2) The right to request amendments to the student’s education records that the parent/guardian or eligible student believes to be inaccurate or misleading.

Parents/guardians or eligible students may ask the NWESD 189 to amend a record that they believe is inaccurate or misleading. They should write the site administrator, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the NWESD 189 decides not to amend the record as requested by the parent/guardian or eligible student, the NWESD 189 will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for

amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorized disclosure without consent. Exceptions permitting disclosure without consent are: disclosure deemed by the NWESD 189 as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school/program official is a person employed by the NWESD 189 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the NWESD 189 has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assigning another school official in performing his or her tasks.

A school/program official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the NWESD 189 discloses educational records without consent to officials of a school district in which a student seeks or intends to enroll or the member district referring the student for the NWESD 189 cooperative program placement.

- 4) The right to file a complaint with the United States Department of Education concerning alleged failures by the NWESD 189 to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

Staff: Staff or other school/program officials who have a legitimate, educational interest in a student will have access to the cumulative folder and any supplementary records.

Other Districts: Other districts will be provided with records upon official request from the district. At the time of transfer of the records, the parent/guardian or adult student may receive a copy of the records at his/her expense if requested and will have an opportunity to challenge the contents of the records.

Other Persons and Organizations: Prospective employers may request to review the transcript of a student. The NWESD 189 will advise each parent or adult student at least annually that such requests will be honored only upon a signed release of the parent or adult student. The NWESD 189

will release information contained in the student's cumulative folder and supplementary records to persons and organizations other than the student, parent/guardian, staff and other districts only with the written consent of the parent/guardian or adult student with the following exceptions:

- 1) The NWESD 189 may release directory information publicly without consent upon the condition that the parent/guardian or adult student be notified annually of the program's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. The NWESD 189 will not release directory information for commercial reasons. The NWESD 189 has designated the following as directory information: the student's name, photograph, address, telephone number, date and place of birth, dates of attendance, participation in officially recognized activities/sports, diplomas and awards received and the most recent previous school attended. The actual residential addresses of participants in the *State Address Confidentiality Program* will not be available for release. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number) or other personally identifiable information are not considered directory information.
- 2) Information may be released to authorized representatives of the comptroller general of the United States, the commissioner of education, and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.
- 3) Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington State statute (examples: reporting child abuse or referrals to juvenile court for truancy).
- 4) Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating, or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than the representatives of such organizations and if such information will be destroyed when no longer needed for the purpose for which it has been gathered.
- 5) Information may be released in compliance with a judicial order or lawfully issued subpoena including ex parte court orders under the *USA Patriot Act*, upon condition that a reasonable effort was made to notify the parent or adult student in advance of such compliance unless such notice is not allowed by the order or subpoena. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect (as defined in Section 3 of the child Abuse and Prevention and Treatment Act [42 U.S.C. 5101]) or dependency matters, and the order is issued in the context of that proceeding, the NWESD 189 is not required to provide additional notice (i.e., in addition to the court's notice) to the parent prior to release of the information.

- 6) Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons. The NWESD 189 will take into account the totality of the circumstance and determine if there is an articulable and significant threat to the health or safety of the student or other individuals. When information from a student's record, other than directory information, is released to any person or organization other than staff, a record of such release will be maintained as part of the specific record involved. Telephone requests for information about students will not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provisions of these procedures. A record will be made of any such release of information and placed in the student's cumulative folder. This record of access will include date of access, name of the party granted access, and the legitimate educational interest of the party granted access. This record of access will include date of access and name of the party granted access, name of the party granted access and the legitimate educational interest of the party granted access.
- 7) In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student, for purposes related to the student's case plan.
- 8) A high school adult student and/or parent/guardian may grant authority to the NWESD 189 which permits prospective employers to review the student's transcript.

Confidential Health Records: All health records should be stored in a secure area accessible only to the program health care provider, unless an appropriately executed release under Ch. 70.02 has been obtained. Such records are also covered by the *Family Education Rights and Privacy Act*, unless state law provides stricter protection. There is a higher standard of confidentiality for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning, or abortion. Only students may authorize release of records concerning family planning or abortion, students thirteen (13) years or older control access to drug, alcohol or mental health treatment records and students fourteen (14) years or older may deny or authorize access to records regarding HIV or sexually transmitted diseases. The releases for information regarding sexually transmitted diseases, HIV, and drug or alcohol treatment are more restrictive than ordinary medical releases.

Amendment of Records and Hearings: At the time of inspection and review, the parent/guardian or adult student granted access to records may request that information in the student's records be amended. Custodians (teacher, counselor, nurse, psychologist) may honor such requests by correcting or deleting records which are misleading, violate privacy, or inaccurate, provided that the senior custodian (program administrator) concurs.

If the senior custodian denies the requested correction or deletion, the parent/guardian or adult student may request an informal hearing before the superintendent or designee, which hearing will be held within ten (10) school days of the receipt of such request. During the hearing, the

superintendent or designee will review the facts as presented by the parent/guardian or adult student and the custodian and decide whether or not to order the demanded correction or deletion. The superintendent or designee will send his/her written decision to the parent/guardian or adult student within ten (10) school days of the hearing.

If the district still decides not to amend the records as a result of the hearing, the parents/guardians or adult students requesting amendment of the records may insert a written explanation of their objections in such records.

Maintenance of Student Records: The student's site administrator or teacher will be the custodian of the cumulative folder. The site administrator will be the custodian of the supplementary records. Duplicate copies of all guidance case study reports and reports from non-program agencies contained in a student's supplementary record may be maintained in the NWESD 189 office under the supervision of the Special Programs Director.

Custodians shall:

- 1) Maintain only those records authorized by these procedures.
- 2) Safeguard student records from unauthorized use and disposition.
- 3) Maintain access records.
- 4) Honor access requests for parent/guardian or adult student.
- 5) Delete or correct records upon approval of the senior custodian or upon order of the superintendent or designee.
- 6) Follow the records review schedule and procedures established by the senior custodian.

Senior custodians may assume the duties of custodians and shall:

- 1) Request student records from other schools/programs.
- 2) Maintain security of student records.
- 3) Transfer, destroy, and expunge records as permitted.
- 4) Supervise activities of their custodians.
- 5) Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents/guardians or adult students.

- 6) Establish record-review schedules and procedures for their respective schools or programs in accordance with procedures governing records disposition. (Psychological test scores will be reviewed annually to determine their relevance to the continuing educational needs of the student.)
- 7) Upon transfer of the student to the next level (elementary to middle school, middle school to high school) or transfer outside NWESD 189 Cooperative Programs, remove for retention, preservation or destruction in accordance with applicable disposition procedures any records no longer pertinent to educational program placement.
- 8) Certify to the NWESD 189 records custodian by June 30 of each year the following:
 - A) only records pertinent to educational program placement are being maintained, unless otherwise authorized by law, and
 - B) required reviews have been accomplished.

The NWESD 189 records custodian will provide overall supervision of student records management and control and will enforce the student records policy and the administrative procedures.

The NWESD 189 will use an array of methods to protect records, including passwords, physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records) and administrative procedures.

Disposition of Student Records: The permanent student record will serve as the record of the student's school history and academic achievement. Permanent records filed in the student's cumulative folder are to be extracted and retained before disposition of the folder.

Within ten (10) days after receiving a request, the NWESD 189 will furnish a set of unofficial educational records to the parent of a student transferring out of state who meets the definition of a child of a military family in transition. When a student transfers to another program in the NWESD 189 or returns to the member district that referred him/her to the NWESD 189, all records including the permanent student record will be transmitted. When a student transfers to a school/program outside of the NWESD 189 or sending member district, the senior custodian will purge the cumulative folder of all nonofficial, extraneous information. A copy of all records will be sent to the requesting school. The cumulative folder for an elementary student who leaves the NWESD 189 or the sending member district will be maintained for two (2) years after discontinuance of enrollment in the NWESD 189 cooperative program(s).

Cumulative folders and supplementary records of junior/senior high school students will be retained according to the Washington State Records Retention Schedule. In all cases, the student's permanent record card will be retained in perpetuity by the NWESD 189 or returned to the sending member district. At the time a student graduates or ceases to need special educational services, the parent/guardian or adult student will be informed that personally identifiable information regarding the disabling condition is no longer needed for educational purposes and that the special education records will be returned to the resident district for maintenance for six (6) years before being

destroyed pursuant to the *School Districts and Educational Service Districts Records Retention Schedule* approved in accordance with RCW 40.14.070. The NWESD 189 will retain supporting documents such as those to develop behavior plans and behavioral tracking data for a period of three (3) years (as they would no longer be relevant after updated educational assessment and intervention plans are developed).

In informing the parent/guardian or adult student about his/her rights regarding such records, the NWESD 189 will advise the parent/guardian or adult student that the information may be needed by the student or the parent/guardian to establish eligibility for certain adult benefits, e.g., social security and that the parent/guardian or adult student should ensure that he/she possesses the necessary documentation, or requests copies of certain records from the NWESD 189 before the records are destroyed in three (3) years. At the parent's/guardian's or adult student's request to the resident school district, the record information relating to the disabling condition will be destroyed, but only after the records have met their six (6) year retention requirement pursuant to the *School Districts and Educational Service Districts Records Retention Schedule*. The NWESD 189 may, in its discretion, choose to retain these records for a longer period of time for business purposes.

A parent/guardian or adult student, at his/her expense, may receive a copy of all records to be transmitted to another district.

Large Scale Destruction of Student Records: After exercising care in accordance with that contained in the previous section (Disposition of Student Records), the senior custodian will bundle all records and send them to the NWESD 189 Special Programs Office. Each bundle will be plainly marked "Student Records-For Destruction," dated, and signed by the senior custodian. A summary sheet will be completed and retained in the office. The sheet will indicate "As of this date, I have determined that the following records may be destroyed in accordance with NWESD 189 and state requirements and have submitted them for destruction." The summary sheet will be dated and signed by the senior custodian.

Electronic Records: Electronic records (including e-mail and web content) created and received by the NWESD 189 in the transaction of public business are public records for the purposes of RCW 40.14 and will be managed consistent with all of the laws and regulations governing the retention disclosure, destruction and archiving of public records. The NWESD 189 will manage electronic records according to the same provisions as paper documents as set forth in the records retention schedules. Electronic records will be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. The NWESD 189 will retain electronic records designated as archival in the original format along with the hardware and software required to read the data, unless the data has been successfully migrated to a new system. (The NWESD 189 will retain records in compliance with the General Records Retention Schedule For School Districts and Educational Service Districts in Washington State found at www.sos.wa.gov/archives/recordsretentionschedules.aspx, pursuant to NWESD 189 Policy 6570, *Records Management and Retention Policy*.)

Cut-Off: Whenever applicable, the retention period starts with the "cut-off." "Cut-off" is a term used to indicate files or records may be terminated on a predetermined date. "Cut-off" prevents

current records from attaining unmanageable size and facilitates the filing of new records. Calendar year records may be “cut-off” on December 31, and a new file established on January 1; all fiscal year records can be “cut-off” only upon the completion of an action or event, such as termination of contract, final payment of a contract, termination of employment, etc. Regardless of the duration of the retention period, records series should be kept in the office files after “cut-off” only as long as is necessary to satisfy: (1) active reference; (2) audit, when required; and (3) other operational requirements. Once these three (3) factors have been satisfied, the records may be transferred to a records center or to an appropriate alternative format, including electronically for the remainder of the retention period.

Presented to Board: 02/26/92 (as 6410)
Reviewed: 03/25/92 (as 6410)
Revised: 04/25/01 (recodified 3231P)
Revised: 03/24/10
Revised: 04/24/13
Revised: 02/28/15
Revised: 12/12/16
Revised: 03/28/18
Revised: 01/23/19
Revised: 08/25/21