



Administrative Directive 2.50.021-AD

Education Records Management

I. Student Education Records

- (A) Student education records are those records that are directly related to a student and maintained by the District, including academic, attendance, discipline, counseling, special education and accommodation records.

The following are not considered “student records”:

- (1) 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;
- (2) Records relating to an individual who is employed by the District that are made and maintained in the normal course of education records and are not student records;
- (3) Records relating to a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (a) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional paraprofessional acting in his/her professional capacity;
 - (b) Made, maintained or used only in connection with treatment of the student; and
 - (c) 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.
- (4) Medical or nursing records that are made or maintained separately and solely by a licensed health care professional and which are not used for education purposes or planning.
- (5) Emails and text messages from District staff.

In addition to the administrative directive and the accompanying policy, students with disabilities and their parents have additional rights under federal and state law with regard to student education records. Those rights and procedures are included in the Special Education Manual located on the District website.



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- (B) The District shall keep and maintain a permanent record on each student which includes the
 - (1) Name and address of the educational agency or institution;
 - (2) Full legal name of the student;
 - (3) Student birth date and place of birth;
 - (4) Name of parent(s) and/or guardians(s);
 - (5) Date of entry in school;
 - (6) Name of school(s) previously attended;
 - (7) Courses of study and marks received;
 - (8) Data documenting a student's progress toward graduation;
 - (9) Credits earned;
 - (10) Attendance;
 - (11) Date of withdrawal from school; and
 - (12) Such additional information as the District may prescribe.
- (C) The District shall retain permanent records in accordance with state and federal law.

II. Rights of Parents and Eligible Students

- (A) The District shall annually notify parents and eligible students through the student registration form 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:
 - (1) Inspect and review the student's education records;
 - (2)



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- (B) The notification shall also inform parents or eligible students who have transferred out of the District that the District forwards education records requested by the new educational agency or school district within 10 business days of receiving the request. The notification shall also indicate where copies of the District policy are located and how copies may be obtained.
- (C) If the eligible student or the student's parent/guardian(s) has a primary or home language other than English, the District shall provide effective notice in the stated language.
- (D) These rights shall be given to all legal parents/guardians 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.
- (E) When a student becomes an eligible student, which is defined as a student who (1) has reached 18 years of age or (2) 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/guardians transfer to the student.
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- (E) 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 581-021-0220 (6)(b)(D), the eligible student or student's parent(s) may, at their expense, have those records reviewed by a physician or other appropriate professional of their choice.
- (F) If an eligible student or student's parent(s) so requests, the District shall give the eligible student or student's parent/guardian (s) a copy of the student 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/guardian(s) with a copy of test protocols, test questions and



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to the DHS caseworker or the attorney.

- (c) District staff should notify the General Counsel’s office when a subpoena requesting staff appearance is received. The principal may wish to seek help from the District’s General Counsel’s office in reducing or controlling the staff time used by the appearance.

VI. Release of Personally Identifiable Information

- (A) Personally identifiable information shall not be released without signed and dated consent of the eligible student or student’s parent/guardian(s) except in the following cases:

- (1) The disclosure is to other school officials, including teachers, within the District who have a legitimate educational interest. As used in this section, those having a “legitimate educational interest” means:

- (a) 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;

- (b) Selected agency personnel contracting with the District for services to students, and their families, but only if the contract specifically limits the use of records and information and requires that the confidentiality be maintained according to federal and state law pertaining to confidentiality of student education records.

- (2) The disclosure is to officials of another school within the District;

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- (b) Determine the amount of aid;
 - (c) Determine the conditions for the aid; or
 - (d) Enforce the terms and condition of the aid.
 - (e) 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.
- (5) The disclosure is to organizations conducting studies for, or on behalf of the District to:
- (a) Develop, validate or administer predictive tests;
 - (b) Administer student aid programs; or
 - (c) Improve instruction.
 - (d) The District may disclose information under this section only if:
 - (i) 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 that have legitimate interests in the information; and
 - (ii) The information is destroyed when no longer needed for the purposes for which the study was conducted.
 - (iii) For the purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.
- (6) The disclosure is to accrediting organizations to carry out their accrediting functions;
- (7) 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;
- (8) The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- (9)

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