

Section 7

EDUCATIONAL RECORDS DISCLOSURE, RETENTION, AND CONFIDENTIALITY



Area: RECORDS DISCLOSURE, RETENTION, AND AMENDMENT

Introduction: Educational records are those records that (a) are directly related to the student, and (b) are maintained by a school district or other public agency, or by a party acting for the school district or other public agency. Educational records include any written information that is accessible to other educational personnel, e.g., meeting dates, emails, etc.

Parents of special education students/adult students have rights regarding the protection of the confidentiality of any personally identifiable information collected, used, or maintained under [WAC 392-172A-05190 through WAC 392-172A-05235](#), the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, [chapter 28A.155RCW](#).

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
<ul style="list-style-type: none"> Parents or adult students have the right to inspect and review, during school business hours, any of their student's (or their own) educational records. 		Special Education Dept.	At any time during business hours	WAC 392-172A-05190
<ul style="list-style-type: none"> The school district must keep a record of outside parties obtaining access to educational records, including the name of the party, the date of access, and the purpose of the review. 	Supplemental Record Form	Special Education Dept.	At any time	WAC 392-172A-05195
<ul style="list-style-type: none"> Written consent of a parent or adult student, including date of consent, is required before personally identifiable information is disclosed to anyone other than official participating agencies collecting or using the information. 	Authorization for Exchange of Confidential Information	Psychologist, related service provider, IEP Team, Special Education Dept.	At any time	WAC 392-172A-05225
<ul style="list-style-type: none"> Each school district must inform parents or adult students when personally identifiable information is no longer needed to provide educational services to the student. The information will be destroyed at the request of the parent or adult student. 	Letter to the parent or adult student	Special Education Dept.	At any time	WAC 392-172A-05235
<ul style="list-style-type: none"> However, a permanent record of the student's name, address, phone number, classes attended, grades, attendance record, grade level completed, and year completed may be maintained without time limitation. 		School	At any time	WAC 392-172A-05235

Area: SHREDDING OUTDATED SPECIAL EDUCATION RECORDS and MATERIALS

Introduction: Whenever building staff members determine that it would be appropriate to shred special education files or materials, they need to box up the materials, mark them for “confidential shredding,” and place them in the appropriate place for pickup **at their building**.

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<ul style="list-style-type: none"> • Place the materials to be shredded in a box with a lid. • Tape the box securely shut. • Mark the box “Confidential Shredding” and noted to send to Special Services Department at ERAC. • Special Services staff have an administrator sign the “Request and Authorization for Disposal of Records” form and fill in the detailed description of items. • Put the beginning date (current) and ending date (last working day in August), and the total number of boxes to be picked up. • Send signed request form to Records Officer in Business Services for approval. Once signed form is returned, make copies and tape to the boxes. • Email Lead Custodian to request a work order to have the Warehouse Manager pick up the boxes. Should have 8-10 boxes ready for shredding before placing the work order. • Place the box at your building in the designated pickup area. 	<p>Request and Authorization for Disposal of Records</p>	<p>Special Education Staff at Building</p>	<p>As needed</p>	<p>WAC 392-172A-05235</p>

Area: EMAIL COMMUNICATIONS

Introduction: Email communications are considered educational records if they are directly related to a student. It is the district’s responsibility to protect the confidentiality of this information. If requested, the district must permit parents of students in special education to inspect and review any educational records, including emails, related to their child.

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<p>To the maximum extent possible, avoid the use of “personally identifiable” student information when communicating on the district email system.</p> <p>If disclosing the identity of a student is required to ensure effective communications, proceed with the disclosure, but only if:</p> <ul style="list-style-type: none"> • The email addresses have a legitimate need to know the identity of the student and the email is being transmitted only to district employees or agencies partnering with HPS. <p>Email communications being sent externally (outside of the district without legitimate need or to your personal email address) or to persons other than HPS employees should never include personally identifiable student information. This puts the personal email at risk of discovery in the case of a records request.</p> <p>In the event of a public records (email) information request, our attorneys will often work with us to decide what information must be released. We will attempt to protect student identities as revealed in electronic communications; however, this is not always possible. And it should not be assumed that communications containing personally identifiable student information are automatically protected and not subject to release to others.</p> <p>One should not include unnecessary details about students in any email communication and should avoid all content that could be sensitive or embarrassing (for example: sexual behaviors, drug use, communicable health conditions, or unusual family matters etc...). Any district email that does contain personally identifiable student information is considered an educational record and must be released to a parent upon request.</p>		All Staff		

<p>3. Interpreters are requested through the Inclusive Education office at 206- 631-3009.</p> <ul style="list-style-type: none"> ○ Student name ○ Parent’s primary language ○ Estimate of time required ○ Type of service required (referral, permission to assess, evaluation, IEP meeting) 	<p>Interpreter Request form</p>		<p>Allow at least five working days for interpreter to be scheduled</p>	
<p>4. Translation of other special education documents may be provided upon request through the Evaluation or IEP case manager following the process below:</p> <ul style="list-style-type: none"> • Family or family representative makes request to Evaluation or IEP case manager • Case Manager contacts the Inclusive Education office at 2016-631-3009 to request translation with following information: <ul style="list-style-type: none"> ○ Student name ○ Parent’s primary language ○ Estimate of time required ○ Type of service required (Evaluation Report or IEP) • Director of Special Education reviews request for approval. 	<p>Translation Request form</p>			
<p>5. Compensation for Interpretation and Translation services are as follows:</p> <ul style="list-style-type: none"> • The interpreter must complete a timesheet to be turned into the Special Education Department at the end of the meeting that interpreter services are needed. • Approved translation services will be paid upon receipt of charges when translation is completed. 				