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 <u>WAC 392-172A-05190 through WAC 392-172A-05235</u>, the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, <u>chapter 28A.155RCW</u>.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
 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
 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
 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 Confiden- tial Informa- tion	Psychologist, related service provider, IEP Team, Special Education Dept.	At any time	WAC 392-172A-05225
 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
 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



PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
 If a parent or adult student requests that an educational record be changed, they contact the Director of Special Education to facilitate the process of determining whether or not to amend the record. 		Director of Special Education	At any time	WAC 392-172A-05220
 A hearing to challenge information in educational records should be conducted according to procedures developed by the school district, including at least the following elements: 				
The hearing shall be held within a reasonable period of time after the school district has received the request.				
The parent shall be given notice of the date, place, and time reasonably in advance of the hearing.				
The hearing may be conducted by any party who does not have a direct interest in the outcome of the hearing.				
4. The parent shall be afforded a full and fair opportunity to present evidence relevant to the amendment request and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.				
The school district shall provide a written decision to the parent within a reasonable period of time after the conclusion of the hearing.				
If a parent requests to review test protocols the district will:				
Protect the test's security, validity and value.		Director of Special Education		
Assure that parents and students obtain full understanding of the assessment process and results.		Luucation		
 Protect the student against "redundant testing" by allowing access to a second opinion (e.g. Release to other professionals). <u>NASP</u> <u>Communiqué, Vol 29, #7</u>. 				



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 <u>at their building</u>.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
 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. 	Request and Authoriz- ation for Disposal of Records	Special Education Staff at Building	As needed	WAC 392-172A-05235



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.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
To the maximum extent possible, avoid the use of "personally identifiable" student information when communicating on the district email system.		All Staff		
If disclosing the identity of a student is required to ensure effective communications, proceed with the disclosure, but only if:				
 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. 				
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.				
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.				
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.				



Area: WRITTEN TRANSLATION AND INTERPRETATION SERVICES

Introduction: School districts must communicate *vital information* to *all* limited English proficient parents and guardians in a language they can understand, to allow them to make well-informed decisions about their child's education. This often requires the use of translated documents, as well as in-person or telephonic interpreters. Vital communications include written and oral communications that contain information that is critical for accessing educational programs and opportunities, or is required by law. This also includes communications that could have negative consequences for a student's education if the information is not provided in an accurate or timely manner. Highline Public Schools will make every effort to make certain families have access to educational information related to their child and are participants in all decisions related to their child's education.

Vital *oral* communications that require an adult interpreter may include, but are not limited to, parent-teacher conferences, special education meetings, and meetings regarding student discipline. Vital *written* communications that require written translations may include, but are not limited to, program information and applications, discipline notices, consent forms, complaint forms, notices of rights, and letters or notices that require a response. (OSPI Bulletin No. 021-13 Civil Rights; http://www.k12.wa.us/Equity/Interpretation.asp)

	PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
	 The evaluation and/or IEP team will have the documents below translated for families in their native language: Evaluation Meeting Invitations IEP Meeting Invitations 	Meeting Invitation/Prior Written Notice/Procedu ral Safeguards	Special Education Staff	Notification current with meeting	WAC 392-172A-05010(3); WAC 392-172A- 05015(I)(4)(a)(ii)
	 Prior Written Notices 				
	Procedural Safeguards				
2	Review of assessments and IEPs will be done orally at the time of the meeting through a district-provided interpreter. The district will not provide parents with a written translation of these documents unless requested. Parent questions or concerns will be conducted orally at the multidisciplinary or IEP meeting. Parents may also request a meeting with an interpreter present if questions arise after a multidisciplinary or IEP meeting has been conducted through the Director of Special Education by calling 206-631-3009.		Special Education Staff		



3.	Interpreters are requested through the Inclusive Education office at 206- 631-3009. Student name Parent's primary language Estimate of time required Type of service required (referral, permission to assess, evaluation, IEP meeting)	Interpreter Request form	Allow at least five working days for interpreter to be scheduled	
4.	Translation of other special education documents may be provided upon request through the Evaluation or IEP case manager following the process below:	Translation Request form		
	 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: 			
	 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. 			
5.	Compensation for Interpretation and Translation services are as follows:			
	 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. 			

