

## **STUDENT RECORDS**

PSESD personnel write, receive and store many different types of educational records. These records are the type covered in the definition of "Educational Records" in the regulations implementing the Family Educational Rights and Privacy Act of 1974.

The following sections define and describe access to these educational records.

### **Definitions**

"Educational Records" means the type of records covered under the definition of "Education Record" in the regulations implementing the Family Educational Rights and Privacy Act of 1974.

### **Operational Definitions**

A. An educational record is any record which is:

1. Maintained by the PSESD; or
2. Maintained by a party acting for the PSESD (teacher, consultant, counselor, social worker, psychologist, etc); and
3. Directly related to the student; and
4. Is personally identifiable because it contains:
  - a. The name of the student, student's parent/guardian or other family member; or
  - b. The address of the student; or
  - c. A personal identifier, such as a social security number; or
  - d. Other information (like a list of personal characteristics) which would make the student's identity easily traceable.
5. Is maintained in any medium, including handwritten, print, tape, film, microfilm, microfiche or computer data bank.

B. Excluded from the classification of education records (and which are either not available for parental review or which may not be disclosed without consent) are:

1. Records maintained by teachers, in their sole possession, and which are available or revealed only to a substitute.
2. Records of security or institutional law enforcement units that are maintained apart from general education records and are used solely for law enforcement purposes.

3. Employment related records of a student employee.

4. Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional (social worker or counselor), acting in his/her professional capacity, which are used for treatment purposes and not disclosed to anyone else except others providing treatment.

Note: Such records, on parental/guardian demand, must be disclosed to an appropriate professional of the parents'/guardians' choice.

5. Records of graduates after they are no longer students (i.e., alumni records).

6. Designated directory information of students, which may include:

- a. Name; b. Address; c. Telephone number; d. Date and place of birth; e. Major field of study;
- f. Participation in official activities and sports; g. Weight and height of members of athletic teams;
- h. Dates of attendance; i. Degrees and awards received; and j. Most recent previous school attended

Note: A parent/guardian or eligible student retains the right to refuse to permit disclosure of any or all designated directory information.

### **Access Rights**

1. The ESD shall permit parent(s)/guardian(s) of students (or adult students) to inspect and review during business hours any education records relating to their children or wards (or the adult student) which are collected, maintained, or used by PSESD.

2. The right to inspect and review education records under this policy includes:

a. The right to a response from PSESD to reasonable requests for explanations and interpretations of the records;

b. The right to request that PSESD provide copies of the records containing information if failure to provide those copies would effectively prevent the parent(s)/guardian(s) from exercising the right to inspect and review the records; and

c. The right to have a representative of the parent(s)/guardian(s) (or adult student) inspect and review records.3. PSESD may presume that a parent/guardian has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

### **Record of Access**

PSESD shall keep a record of parties obtaining access to education records collected, maintained, or used (except access by parent(s), adult student, and authorized employees of the participating agency) including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

### **Records on More Than One Child**

If any education record includes information on more than one child, the parent(s) of those children shall have the right to inspect and review only the information relating to their child(ren) or to be

informed of that specific information.

### **List of Types and Locations of Information**

PSESD shall provide parent(s) on request a list of the types and locations of education records collected, maintained, or used by the agency.

### **Fees**

PSESD may charge a fee for copies of records beyond the initial copy which are made for parent(s) while exercising their right to inspect and review those records.

### **Amendment of Records at Parent's Request**

If a parent believes that the information in a student's record is inaccurate, or misleading, or in violation of the privacy right of the student, the parent may request in writing to meet with the director of the program maintaining the record in question for the purpose of amending the information or may submit a written amendment to be considered by the director. The program director shall decide within 30 days of the meeting or receipt of the written requisition whether or not to amend the record, and shall notify parent in writing of the decision. Every effort will be made to settle disputes informally regarding the contents of student records. In cases where the decision has been not to amend the record, the director shall inform the parent in writing of the right to a hearing.

### **Opportunity for a Hearing**

Parents who disagree with the decision of the director regarding amendment of student records have the right to a fair hearing to be conducted by the Superintendent of PSESD or by a duly appointed designee. Any parent who desires a hearing shall file, within 30 days of receiving notice of the director's decisions, a written appeal to the Superintendent requesting a hearing. The hearing shall be held within 20 days following receipt of the request.

### **Results of Hearing**

If, as a result of the hearing, the information is found to be inaccurate, misleading, or in violation of the privacy or other rights of the students, the program director shall amend the records accordingly and so inform the parent in writing. If the determination made after the hearing is unsatisfactory to the parent, the parent shall have the right to insert into the challenged record a written explanation regarding the content of the record. Any written explanation placed in the record shall be maintained by PSESD as long as the record is maintained by the agency. If records are disclosed by the agency to any party, the written explanation shall also be included.

### **Parental Consent**

Records and information will only be released by PSESD with consent of the parent or legal guardian or adult student, except for CPS reporting, subpoenas by a court of law or any case in which state law requires.

### **Records Destruction**

Records will be maintained a minimum of three years after service to the student has terminated unless

otherwise specified by program regulations. After the designated period, records will be destroyed in a manner which will ensure confidentiality.

### **Safeguards**

Student records will be kept in locked files. At each place where student records are kept, a person will be designated as custodian responsible for the security and maintenance of such records.

### **Electronic Records**

Electronic records (including e-mail and web content) created and received by PSESD 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. PSESD 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. PSESD 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. (PSESD will retain records in compliance with the General Records Retention Schedule for School Districts and Educational Service Districts in Washington state.

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