

Welcome to the Virginia Department of Education's Back to Basics: *Management of Student Records* module. This module is focused on the management of students' educational records. It is aimed at school personnel who work with students with disabilities, which means that it is for EVERYONE who works at a school.

Please note that there is a quiz at the end of each module that will allow you to test your knowledge and earn a certificate of completion.

Why are we focusing on student records? Isn't their management a routine job for office personnel? The shortest answer is no. Each individual in the school has the responsibility of protecting the rights and privacy of students and their parents.

Schools must adhere strictly to state and federal mandates to include the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), Virginia Regulations, and other federal statutes designed to safeguard access, confidentiality and the management of student information contained in students' records.

Don't worry—there are a few easy-to-remember rules about student records! The first is that schools must permit parents the right to inspect and review any educational records that are collected, maintained or used by the schools. Note that throughout this presentation, references to parent or parents, include the "eligible student", as well. An eligible student means a student who has reached 18 years of age and now has the same rights as the parent unless legal documents deny these rights. If parents are separated or divorced, both parents have access unless legal documents revoke a parent's rights.

And there are others who have access as well, such as

- Authorized employees of the LEA
- Representative of the parent
- Other schools to which students are transferring
- State and local authorities within a juvenile justice system
- Officials conducting audits/evaluations or certain studies
- Accrediting organizations
- Individuals with lawfully issued subpoenas

What is an educational record?

- Handwritten document (like a note or letter)
- printed document,
- computer media,
- video or audio tape, or film, microfilm, and microfiche

Educational records appear in many forms, but what exactly IS an educational record? Could it be:

- documentation of the student's educational growth and development,
- student disciplinary records,
- achievement and test data,
- cumulative health records,
- reports of assessments for eligibility for special education services and IEPs?

The answer is YES—these are all considered educational records.

What is NOT an educational record?

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- records of the law enforcement unit of an educational agency or institution;
- grades on peer-graded papers before they are collected and recorded by a teacher;
- records on a student who is 18 years of age or older, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity; made, maintained, or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment.

What about "directory" information?

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Schools must annually notify parents and eligible students of their rights under FERPA regarding the management of student records. This annual notice is a good venue to share with parents as to the policy regarding directory information.

Schools may disclose, without consent, directory information such as a student's:

- Name
- Address
- Telephone number
- Date and place of birth
- Honors and awards
- Dates of attendance

If the directory information policy is not outlined in the annual notice, the school must inform parents, within a reasonable time period, of the disclosure to allow parents to prohibit the disclosure.

What is personally identifiable information or PII?

- student's name
- parent or other family members' names
- students or families' address
- personal identifier, such as the student's social security number or student number
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

Schools must guard PII from being accessed by unauthorized personnel without the consent of parents. In some instances, information could be considered personally identifiable if requested by a person who the educational agency reasonably believes knows the identity of the student to whom the education record relates. It should be noted here that social security numbers are considered PII and are no longer required for student enrollment. Social security numbers should be removed from student files and securely destroyed for students' protection.

Note that parental access to records must be without unnecessary delay. Schools must comply with a request to review records as soon as possible, especially before any meeting regarding an IEP, discipline or a due process hearing; and no later than 45 calendar days after the request is made.

What happens at the school when parents ask to review the records? Schools should have established record review guidelines for parents, eligible students or parent representatives. The guidelines should include the availability of various time slots, designated locations within the building that will accommodate the reviewer and student files, and the process for staff documentation and monitoring to ensure that files are kept intact during the review.

Rule 2: Parents must be afforded the right to a response from the schools to reasonable requests for explanations and interpretations of records. Schools must also provide parents with explanations of the records and copies of certain records, if circumstances prevent the parents from reviewing the file.

Rule 3: Parents must be afforded the right to request copies of records.

Can parents be charged for copies of education records?

Yes, they can!

Schools may charge a reasonable fee for:

- Reproduction of records;
- Secretarial time;
- Administrative time; and
- postage

However, there are some educational records schools MAY NOT charge fees for:

- copies of current IEPs
- search for records
- retrieval of records
- copies of records, if parents' rights to access the records were hampered

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Remember that parents must be permitted to inspect and review any record relating to their child's education. If barriers exist that prevent parents this access, schools should provide free copies of the records to the parents. Finally, schools cannot withhold education records, such as report cards, because of nonpayment of fees.

Rule 4: Parents must be afforded the opportunity to request the removal of, or the amendment of an educational record. After a review of records, if the parent requests that information be removed or amended from the record and the school refuses, the school must inform the parent of this refusal and advise them of the right to a hearing.

Schools must maintain a record of each request for access and disclosure of personally identifiable information from an education record of each student. This record of disclosure must be housed with the student's record as long as the records are maintained. Upon request, schools must provide a list of staff members, by name and position, who has access to the students' records. Additionally, records must be maintained in a central location to ensure accessibility for use by the professionals. Training is also required for all personnel involved in the management of student records.

Remember to promptly send records for students transferring to another school. Regulations state that records should be sent within 5 workdays for students being educated in juvenile justice systems such as detention homes and regional or local jails.

How long do you have to keep a student's record?

Information that is maintained permanently includes the student's:

- name
- address
- grades
- attendance record
- classes attended
- grade level completed
- year completed

First generally, nonpermanent records are retained until they are no longer educationally useful or five years after a student graduates, completes the Board of Education's approved program or leaves school.

The Library of Virginia is the state agency that governs the retention and destruction of all public records. Schools must comply with the Record Retention and Disposition Schedule, Number 21, to ensure that the stated retention period has elapsed before destroying any student education records.

Thank you for listening to our Back to Basics training on the management of student records. More questions? Please contact the Office of Dispute Resolution and Administrative Services at (804) 225-2013.