

Education Records – Records of Students with Disabilities

Education records are those records maintained by the High Desert Education Service District (ESD) that are directly related to a child/student.

The primary reason for the keeping and maintaining of education records for children/students is to help the individual child/student in his/her educational development by providing pertinent information for the child/student, his/her teachers and his/her parents. These records also serve as an important source of information to assist children/students in seeking productive employment and/or post-high school education.

It is the policy of the ESD to keep education records for children/students to conform with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate and verifiable, and should have a direct and significant bearing upon the child/student's educational development.

The ESD will develop administrative procedures for the maintenance, access and release of education records as well as for preserving confidentiality and for challenging the content of those records.

The ESD shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The ESD provides to parents of a child/student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the ESD pertaining to the child/student's identification, evaluation, educational placement and free appropriate public education. The ESD provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the ESD.

The ESD may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the ESD, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The ESD may pursue the fees, fines or damages through a private collection agency or other method available to the district. The ESD may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

The ESD shall give full rights to education records to either parent, unless the ESD has been provided legal evidence that specifically revokes these rights. However, once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative procedure shall be made available upon request by parents and students 18 years or older or emancipated.

END OF POLICY

Legal Reference(s)

ORS 30.864	ORS 339.270	OAR 166-405-0010 to -450-0010
ORS 107.154	ORS 343.177 (3)	OAR 581-021-0220 to -0430
ORS 326.565		OAR 581-022-1660
ORS 326.575		OAR 581-022-1670

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. Sections 300.501 (2006)

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