

**SANTA CLARA COUNTY
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA**

Each agency shall grant public access to records within (5) business days after the request has been made either orally or in writing. The agency shall maintain the confidentiality of public records including LEAs, educational facilities, hospitals, developmental centers, and youth and adult facilities. The agency may charge a fee for retrieval of information. The agency may charge a fee for copies of records. If the requester is a parent of a child who is legally separated, only the parent having legal custody may challenge the

- The types of records and information contained therein.
- The position of the official responsible for the maintenance of each type of record.
- The location of the log or record required to be maintained.
- Criteria used by the district to define “school officials and employees” and in determining “legitimate educational interest.”
- The policies of the district for reviewing and expunging records.
- The right of the parent to access pupil records.
- The procedures for challenging the content of pupil records.
- The cost, if any, charged to the parent for reproducing copies of records.
- The categories of information which the institution has designated as directory information.
- Any other rights stated in the California Education Code and the right to file a complaint with Department of Health, Education and Welfare (FERPA).
- Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential pupil records may be obtained.

The right to inspect and review also includes responses to reasonable requests for explanations and interpretations of the records and the right to have a representative of the parent inspect and review the records. (See provision regarding written parental releases.)

5.3.A Recommended Procedure:

information must receive training or instruction regarding the state policies and procedures as stated in the annual program plan.

Each agency must maintain for public inspection a current list of names and positions of those employees who have access to personally identifiable information.

5.5. RELEASE OF INFORMATION FROM PUPIL RECORDS

5.5.A Release of Directory Information

- (1) At the time of enrollment, and annually thereafter, parents must be given an opportunity to sign an “Objection to Release of Directory Information” Form. When the Form is returned by the parent to the school, the school must file it in the pupil’s records.
- (2) If the parents have not filed an objection, the following directory information may be supplied to employers, prospective employers, representatives of the news media, officials of public agencies and nonprofit agencies:

- Name

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investigation or investigation of a student who has been declared a ward of the court or involving a condition of probation.

- Subject to regulations of the Secretary in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
- Agencies or organizations in connection with a student's applications for, or receipt of, financial aid.
- County Election Officials
- Accrediting organization (8n)10.9 (d)-3.9 (pe)9.2 (pr)-4 (oc)9.2 (t)-4.6 (pe)9.2 (torgau orherzn(p



5.6 LOG OF REQUESTS FOR INFORMATION

All requests of individuals or agencies with the exceptions of “other school officials” above and parents, must be recorded in a record or log of requests for information, except for directory information recipients. The log or record must be open to the inspection by a parent and the school officials or his designee responsible for the maintenance of pupil records and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare and administrative head of an educational agency as defined in PL 93-380, and state educational authorities as a means of auditing the operation of the system.

The log or record must contain the following information: the name of the requesting party and the legitimate interest of the party. The log should be kept with the student’s educational records.

Recommended Procedure:

- Upon receipt of a written request for “directory” information from a group authorized to receive it, check pupil folder for “objection to release” form. (If no objection form is present, supply information). The law does not require logging requests for directory information.
- If request is oral, verify identity of requester by calling back. If any doubt as to identity of requester, require a request submitted in writing, on official letterhead.
- Upon receipt of a written request for information, ascertain whether or not it falls into the authorized categories as defined in Section above. If it does, supply the information as explained above. If it does not, log request and mail the requester an Exchange of Information form accompanied by the form letter (Appendix A-3).
- When the Exchange of Information form is returned to you, supply information together with transmittal letter (Appendix A-4). The law does not require logging of requests accompanied by authorization.

(EC 49064)

5.7. AMENDMENT OF RECORDS

5.7.A Grounds for Amendment

If parents desire to challenge the content of pupil records, they must establish that one of six specific grounds exists and provide a written request to correct or remove the information to the superintendent.

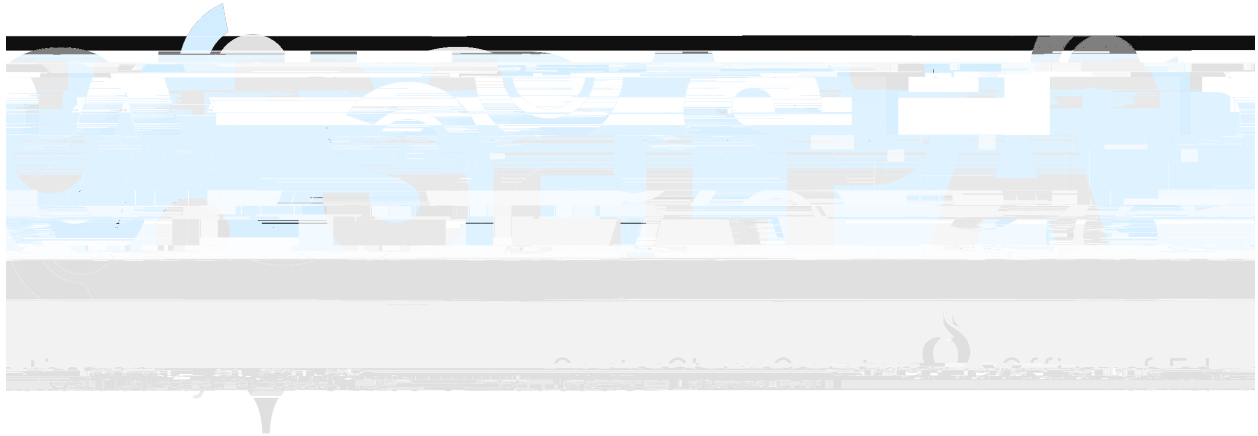
Grounds for amendment include:

- Inaccurate information.
- Information is unsubstantiated personal conclusion or inference.
- Information is a conclusion or inference outside the observer’s area of competence.
- Information is not based on personal observation
- Misleading information.
- Information in violation of the privacy or other right of the pupil.

(EC 49070)

5.7.B Hearing Procedures

- Within thirty (30) days after receipt of a written request a superintendent or designee meets with the parent and the certificated employee who recorded the information, if the employee is presently employed by the District.
- The superintendent may sustain or deny the allegations of the parent, either permitting the record to stand or authorizing its removal and destruction.
- Within thirty (30) days the parent may file a written appeal to the governing board if the parent is dissatisfied with the decision of the superintendent.
- Within thirty (30) days after receipt of such an appeal the governing board must hold a closed hearing with the parent and with the teacher, if he or she is still employed by the District. The Board's decision is final. Records of the hearing are confidential and are to be destroyed after one year unless further legal action is pending.
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After records are classified, they must then be classified for destruction according to the timelines contained in Title 5.

5.8.A Mandatory Permanent Records include:

- Legal name of pupil
- Date of birth
- Method of verification of date of birth
- Sex of pupil
- Place of birth
- Name and address of a parent of a minor pupil
 1. Address of minor pupil if different
 2. An annual verification of the name and address of the parent and residence of the pupil
- Entering and leaving date for each school year and for any summer session or other extra session
- Subjects taken during each year, half-year, summer session or quarter
- If marks or credits are given, the marks or number of credits toward graduation allowed for work taken
- Verification of, or exemption from, required immunizations
- Date of high school graduation or equivalent
- Evidence of pupil's disability and participation in special education program, if applicable

These mandatory permanent records must be forwarded to a requesting school, but the original or copy must be retained permanently. This includes many items in the cum file.

Mandatory Permanent Records that have been in inactive status for five years shall be microfilmed.

(5CCR 430,432)

5.8.B Mandatory Interim Records are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed when usefulness ceases in accordance with Section 16027 of this title during the third school year following such classification. These records must be forwarded to all California schools and may be forwarded to other schools. Such records include:

- Access log
- Health records
- Participation in special education programs including required tests, case studies, authorizations and actions necessary to establish eligibility or discharge
- Language training records
- Progress slips and/or notices as required by Education Code Sections 49066 and 49067



5.9 CONFIDENTIALITY OF PUPIL RECORDS CONTAINING I.Q. INFORMATION

The following guidelines implement the California State Department of Education Directives dated December 3, 1986, and October 15, 1987, regarding the use of I.Q. tests in the assessment of African-American pupils for special education services.

As of September, 1986, school districts may not use intelligence tests in the assessment of African-American pupils who have been referred for special education services. The prohibition against using I.Q. tests for identifying or placing African-American pupils in special education means that parents of African-American pupils shall not be asked if they want to consent to the use of such tests. An I.Q. test may not be given to a African-American pupil even with parental consent. There are no special education related purposes for which I.Q. tests shall be administered.

5.9.A I.Q. Test Protocols

When a school district receives records containing I.Q. test protocols from other agencies, out-of-state school districts, military facilities, or independent assessors, these records shall be forwarded to the parent. I.Q. test scores contained in the records shall not become a part of the pupil's current school record.

5.9.B Pre-existing records containing I.Q. scores or references to information from I.Q. tests must be permanently sealed

Before sealing the records of these students:

- The parents must be notified that the (o)10.8 (c)-1.cof

5.10 PROOF OF SERVICE BY MAIL FORM

