



New Hampshire Division for Children, Youth and Families Policy Manual

2201 EDUCATIONAL RECORDS

Chapter: Sununu Youth Services Center

Section: Academic Vocation and Work

Approved:

Joseph E. Ribsam, Jr., DCYF Director

Policy Directive: 20-15

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References Of Note

Federal Authority: [Family Educational Rights and Privacy Act \(FERPA\)](#), [34 CFR 99.7](#), [34 CFR 300.507](#), [510](#), [530-532](#), and [34 CFR 300.610-625](#)

Statutes: [RSA 621](#), [RSA 621-A](#), and [RSA 186-C:10-a](#)

Administrative Rules: [Ed 1114](#), [Ed 1119](#), and [Ed 1123](#)

Case Law:

This policy establishes the standards for the SYSC Educational Department's maintenance of educational records. This policy also identifies the rights of parents/guardians relative to their youth's educational records.

Required Practices

Any deviations to the following information must be documented with Supervisory Approval.

- I. Each youth attending the SYSC School shall have an individual educational record containing all relevant academic information specific to their current education program.
 - A. All educational records shall be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 (Rev. 2001).
 - B. Any youth receiving special educational services shall also have a separate special education record where information pertaining to the youth's special education services or Individualized Education Plan (IEP) will be maintained.
- II. The SYSC School shall provide timely and appropriate notification to parents/guardians of their rights pertaining to their youth's educational records.
 - A. Notification shall be made upon the youth's entry into the program and upon the youth's exit from the program.
 - B. Notification shall be made to the parents/guardians of all current students yearly.
 - C. Youth exiting the program at the age of majority shall also be provided this information.

- III. The SYSC School shall protect the confidentiality of educational records containing Personally Identifiable Information (PII) at the collection, storage, disclosure, and destruction stages.
 - A. The SYSC Principal or designee shall assign one educational staff to assume responsibility for ensuring the confidentiality of any PII.
 - B. All persons collecting or using PII must receive, and adhere to, training/instruction regarding safeguards in place to ensure confidentiality of school records.
 - C. The SYSC School shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to PII.
- IV. The SYSC School shall ensure parents/guardians and eligible students are able to exercise their rights to access educational records by:
 - A. Permitting parents/guardians and eligible students to inspect and review any and all education records that are collected, maintained, or used by the educational program that they are entitled access to;
 - 1. If any of the requested educational records include information on more than one youth, parents/guardians and eligible students have the right to inspect and review or be informed of specific information only relating to their youth/themselves;
 - B. Complying with requests by parents/guardians and eligible students to review and inspect said educational records without unnecessary delay and before any meeting regarding an IEP, a hearing, or a resolution session, and in no case more than 45 days after the request has been made. The right to inspect and review education records under this section includes:
 - 1. The right to a response from the SYSC School to reasonable requests for explanations and interpretations of the records;
 - 2. The right to request the SYSC School provide copies of the records in instances where the failure to receive copies would prevent them from exercising their rights (i.e. documented barriers to accessing records at the SYSC School mitigated by providing a copy of the records to the requestor at their location); and
 - 3. The right to have a representative inspect and review the records; and
 - C. Operating under the presumption that parents/guardians have authority to inspect and review educational records relating to their youth unless the SYSC School has been advised that they do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

- V. Only authorized persons shall be allowed to access a youth's educational records. All access shall be in keeping with this policy and shall be recorded appropriately.
 - A. All parties reviewing an educational record shall note their name, the date, and the purpose of their review on the Educational Chronological Record (Form 2201) provided in Section 1 of each educational record.
 - B. Educational records shall not be taken from the school records room without the approval of the Special Education Director or designee. Removal of approved records shall be logged on the Educational Record Sign-Out/Sign-In (Form 2202).
 - 1. Allowable examples include, but are not limited to educational records brought to a public school meeting, placement provider, or requested by the Office of the Child Advocate (OCA) or court.
 - C. Educational records shall remain intact. No parts, portions, or sections shall be removed.
- VI. Parents/guardians or eligible student consent must be obtained before an educational recording containing PII is disclosed (except instances of allowable disclosure without consent) when the following conditions exist:
 - A. Disclosure is to any party, including participating agencies, from an educational record, other than directory information, unless authorized to do so according to the New Hampshire Rules for the Education of Children with Disabilities;
 - B. When the information is used for any purpose other than meeting a requirement to filing an administrative due process hearing complaint; or
 - C. Before PII is released to officials of participating agencies providing or paying for transition services.
- VII. Consent shall not be required when the disclosure of educational records is to:
 - A. Parents/guardians of a youth who is not an eligible student;
 - B. An eligible student; or
 - C. Officials of participating agencies for purposes of meeting a requirement in this section.
- VIII. Whenever written consent is required, the SYSC School may presume the parents/guardians or eligible student giving the authority has the power to do so unless there is evidence to the contrary, such as a state law or court order governing such matters as divorce, separation, or custody.

- A. To be valid, the written consent must be a completed SYSC Authorization for Release of Information (Form 2365) signed and dated by the parents/guardians or eligible student.
- IX. Parents/guardians or eligible students have the right to request records be corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The following shall apply for the correction of educational records:
- A. The parents/guardians or the eligible student must ask the SYSC School to amend the record, identifying:
 - 1. The part of the record they want changed; and
 - 2. Why they believe it is inaccurate, misleading, or in violation of the student's privacy or other rights; and
 - B. The SYSC School will determine whether or not to comply with the request.
 - 1. If the SYSC School decides not to comply, the SYSC Principal or designee shall notify the parents/guardians or eligible student in writing of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
- X. Upon request, the SYSC School will arrange for a hearing to review a denied educational record amendment and notify the parents/guardians or eligible student, reasonably in advance, of the date, place, and time of the hearing.
- A. The hearing will be conducted by a hearing officer who is a disinterested party, however, the hearing officer may be an official of DCYF.
 - B. The parents/guardians or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the education records.
 - C. The parents/guardians or eligible student may be assisted by one or more individuals, including an attorney.
 - D. The hearing officer shall prepare a written decision based solely on the evidence presented at the hearing and include a summary of the evidence presented and the reason for the decision.
 - E. If it is decided that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the SYSC School shall notify the parents/guardians or eligible student that they have the right to place a statement in the record setting forth reasons for disagreeing with the decision.

1. The statement shall be maintained as part of the education record as long as the contested portion is maintained, and will also be disclosed if the SYSC School discloses the contested portion of the record.
- F. If it is decided that the information is inaccurate, misleading, or in violation of the student's right of privacy, the SYSC School will amend the record and notify the parents/guardians or eligible student, in writing, that the record has been amended.
- XI. When a disclosure (sharing of a record) is made, a copy of the record that is disclosed shall be made available for review by the parents/guardians or eligible student.
 - XII. When transferring the educational records of a youth who intends to enroll in another school, SYSC shall:
 - A. Make a reasonable attempt to notify the parents/guardians or eligible student of the transfer of records at their last known address, except when the transfer is initiated by parents/guardians or eligible student at the SYSC School;
 - B. Provide the parents/guardians or eligible student, upon request, with a copy of the records that have been transferred;
 - C. Provide the parents/guardians or eligible student, upon request, with a hearing as provided for; and
 - D. If a youth is enrolled in a school in addition to the SYSC School or receives services from another school, the 2 schools may disclose information from the records of the youth to each other without obtaining written consent, provided they meet requirements of section (a) of the Confidentiality of Information Section of the State Standards.
 - XIII. SYSC may disclose PII from the educational records of a youth if the information has been designated as directory information.
 - A. SYSC may not disclose directory information of a student no longer in attendance without written consent.
 - B. The parents/guardians or eligible student has the right to refuse designation of any or all of the categories of PII as directory information.
 - C. Parents/guardians or eligible students must inform SYSC in writing within 30 days if such information is not to be designated as directory information.
 - XIV. The SYSC School shall maintain a record for each request for and each disclosure of PII from special education records of a youth.
 - A. This record shall be kept with the education records and indicate:

1. Parties who have requested or obtained information from the records; and
 2. The legitimate interest the parties had in requesting or obtaining the information.
- B. This does not apply to:
1. Disclosures to parents/guardians or eligible students;
 2. Disclosures pursuant to written consent of a parent/guardian or eligible student;
 3. Disclosures to school officials; or
 4. Disclosures of directory information.
- C. The record of disclosures for an education record may be inspected by:
1. The parents/guardians or the eligible student;
 2. The SYSC official, or designee, responsible for the custody of the records; or
 3. Authorized parties for the purpose of auditing the record-keeping procedures of SYSC.
- XV. Information disclosed by the SYSC School shall not be re-disclosed to any other party without prior written consent.
- A. This shall not preclude an agency from disclosing information after written consent has been given with the understanding that the information will be re-disclosed, provided record-keeping requirements are met.
- B. The SYSC School shall inform the party to whom a disclosure is made that re-disclosure is prohibited without the parent/guardian or eligible student's prior written consent, except when disclosing directory information.
- XVI. The SYSC School shall make available to the parents/guardians or eligible student a copy of this policy, outlining educational record destruction procedures upon the youth's discharge from SYSC.
- XVII. When a youth's commitment is discharged or dismissed before the youth reaches the age of majority, their inactive educational record shall be stored in a separate filing cabinet designated for inactive records in the school records room, where it will remain until that youth reaches the age of majority.
- XVIII. When a youth reaches the age of the majority or graduates, their inactive educational record shall be transferred to the Records Clerk, who will attach it to (but not consolidate

it with) the youth's permanent record. The youth's educational records shall be maintained until the youth's 30th birthday, at which time they will be destroyed.

- A. Explanations placed in the special education record shall be maintained as part of the record as long as the record or contested portion is maintained.
 - B. The required record of access shall be maintained for as long as the special education record to which it pertains is maintained.
- XIX. Upon a minor youth's graduation from high school, their parents/guardians may submit a written request to the SYSC School to have the youth's records and final IEP destroyed at that time or request the records be destroyed upon the youth's 26th birthday.
- XX. An eligible student may submit a written request that their educational records and final IEP be destroyed at any time from the time they have reached the age of majority until their 30th birthday.
- XXI. The SYSC School shall inform parents/guardians when PII collected, maintained, or used to provide an appropriate educational program is no longer needed to provide educational services to the youth.
- A. Upon receipt of this notification, parents/guardians may request all such information be destroyed.
- XXII. The SYSC School shall comply with parents/guardians or eligible youth's request to destroy education records, however, SYSC may maintain a permanent record with the youth's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed without time limitation.
- A. No educational records shall be destroyed if there is an outstanding request to inspect and review them.

Standard Operating Procedures		
SOP	Title	Applicable Disciplines
2201.1	Educational Records Procedure	SYSC

Applicable Forms	
Form	Title
2201	Educational Chronological Record
2202	Educational Record Sign-Out/Sign-In
2365	SYSC Authorization for Release of Information

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log

PD	Modification Made	Approved	Date
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