



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

2201.1 EDUCATIONAL RECORDS PROCEDURE

Policy Directive: **20-15**

Effective Date: **May 2020**

Implements Policy: **2201**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP defines the procedures for maintenance and destruction of educational records at the SYSC and notification procedures for parents/guardians and eligible students of their rights regarding educational records and the dispute process.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. Upon receiving an admission notification for a newly admitted youth, the Special Education Director or School Counselor will open an individual educational record for the youth, as well as a special education record as appropriate.
- II. Upon a youth's entry to the SYSC School, parents/guardians are notified that they have the right to:
 - A. Inspect and review educational records;
 - B. Receive responses to reasonable requests for explanation and/or interpretation of information in the education record;
 - C. Seek amendment of the education records that the parents/guardians or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - D. Consent to disclosures of Personally Identifiable Information (PII) contained in the education records, except to the extent that FERPA authorizes disclosure without consent; and
 - E. File a complaint concerning alleged failures by the SYSC School to comply with the requirements of FERPA.
- III. This notice to parents/guardians must include the following:
 - A. The procedure for exercising the right to inspect and review education records;
 - B. The procedure for requesting amendment of records; and

- C. The specific criteria for determining who constitutes a school official and what constitutes a legitimate educational interest when the SYSC School discloses education records under FERPA.
- IV. The SYSC School may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. To ensure that parents/guardians and eligible students are aware of their rights relevant to a youth's educational records, the SYSC School is responsible for:
- A. Providing communication access as needed, including interpretation for live interactions and translation of written correspondence/notifications in the preferred language of youth and/or parents/guardians according to DHHS systems and processes;
 - B. Making a copy of this policy available to the parents/guardians of newly committed or detained youth; and
 - C. Providing additional notification to parents/guardians of any youth at the SYSC School within the first month of the school year and again at the time of the youth's exit meeting.
- V. The Special Education Director and School Counselor are responsible for obtaining educational information and documentation related to the youth's current education program.
- A. Educational documentation received or generated throughout the youth's stay will be filed in the appropriate section of the educational record.
 - 1. Special Educational records will be maintained in a separate file.
 - B. The creation and maintenance of each educational record (excluding special education records) shall primarily be the responsibility of the School Guidance Counselor.
 - C. The creation and maintenance of Special Education records shall primarily be responsibility of the Special Education Director.
- VI. The SYSC School will utilize physical and electronic storage of education records such that:
- A. All electronic records shall be maintained within YouthCenter; and
 - B. All physical records shall be maintained individually in clearly marked, identifying files within secure, fireproof cabinets in the SYSC Educational Department until determined inactive pursuant to the practices for closure and destruction.

- VII. Educational records are identified as active for youth who are at SYSC, as well as youth on Administrative Release, Administrative Furlough, or parole.
- VIII. Persons who may have access to educational records, include:
 - A. School faculty members of SYSC who have a legitimate educational interest;
 - B. New Hampshire Juvenile Probation and Parole Officers;
 - C. New Hampshire Child Protective Service Workers involved with the youth;
 - D. The youth's attorney;
 - E. The Office of the Child Advocate (OCA);
 - F. Others entrusted with the rehabilitative treatment of the youth; and
 - G. Others granted access by court order or upon written consent of the parents/guardians or eligible student.
- IX. Educational records containing PII about a youth may be disclosed without written consent under the following conditions:
 - A. To other SYSC staff, including teachers, who have been determined to have a legitimate educational interest in the youth;
 - 1. SYSC staff includes persons employed by or under contract to SYSC to perform a special task, such as an attorney, auditor, medical consultant, or therapist; and
 - 2. SYSC staff who have a legitimate educational interest in the youth because they are:
 - (a) Accessing the educational record to complete a task as specified in their position description or by a contract agreement;
 - (b) Performing a task related to a youth's education;
 - (c) Performing a task related to the discipline of a youth in the SYSC School; or
 - (d) Providing a service or benefit relating to the youth or youth's family, such as health care, counseling, or job placement;
 - B. To officials of another school in which a youth seeks or intends to enroll upon request of such official;

- C. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;
- D. In connection with a request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- E. If required by a state law requiring disclosure that was adopted before November 19, 1974;
- F. To organizations conducting certain studies for or on behalf of SYSC;
- G. To accrediting organizations to carry out their functions;
- H. To comply with a judicial order or a lawfully issued subpoena; and
- I. To appropriate officials in a health or safety emergency if such disclosure is necessary to protect the health or safety of the youth or other individuals.
 - 1. Factors to be taken into account in determining whether PII may be disclosed under this section include:
 - (a) The seriousness of the threat to the youth or other individuals;
 - (b) The need for the information to meet the emergency;
 - (c) Whether the parties receiving the information are in a position to deal with the emergency; and
 - (d) The extent to which time is of the essence in dealing with the emergency.

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

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