

CUMULATIVE RECORD FOLDER PROCEDURES & PERMENANT RECORD RETENTION SCHEDULE

DIRECTIONS:

For all Oregon Conference Schools that do not receive Federal Education Funding: Title 1,2,3,or 4 funds.

SCHOOLS participating in Federal Education Funding must also refer to Cumulative Record Folder Procedures for FERPA Schools.

Establishing Cumulative Folders

1. All students entering pre-school, Kindergarten or First Grade should have a cumulative folder established. These folders transfer with the student from grade to grade and to another school.
2. All records maintained in the cumulative folders should be checked and brought up-to-date at the beginning and close of the school year or upon transfer to another school.
3. **FORMS INCLUDED:** Health Forms, School Nurse records, student academic reports, attendance records, and standardized test results.
4. **FORMS NOT INCLUDED:** (Maintained in a separate file)
Personal notes or observations made by staff or teachers, student portfolios, disciplinary records, and records created or maintained for law enforcement purposes. Local school forms, anecdotal records, scholarship forms and information from FACTS TUITION or local church scholarship parent information. This information is PURGED ANNUALLY.
Disciplinary issues that pose a threat to student safety must be included in the Cumulative Folder if a student transfers and/or is expelled.
5. **Establish Procedures:** For parents to review their child's student records. Create and publish policies for parents to amend or remove information from records. Publish these procedures and policies annually in the School Handbook. (Parents have the right to review their child's records and may petition the school administrator for the removal of certain information held within the cumulative folder.) It is illegal to dispose of any information included in the student's record once the parent has requested to review the information included in student records.
6. **Students from public schools:**
Parents must complete student enrollment forms.
Request transcript and student records from last school attended.
Transfer information received to new cumulative folder.
Record the annual summary of standardized test results and statements of grade level completion.
Establish a separate file for local school forms. (Personal notes, observations, disciplinary forms, scholarship requests, student portfolios..etc.)
7. **Students from an SDA school:**
Parents must complete student enrollment forms.
Request cumulative record from last school attended.

Add current school or teacher information.

Record the annual summary of standardized test results and statements of grade level completion.

Establish a separate file for local school forms.(Personal notes, observations, disciplinary forms, scholarship requests, student portfolios..etc.)

8. STUDENT RECORD TRANSFER PROCEDURES:

Copy cumulative record folder information including the name of the school to which the student is transferring to and keep all information held in the cumulative record folder.

(Maintain this information in a permanent record file or on an approved Student Information System.)

Send original cumulative file folder to the school requesting student information.

Remove nonessential material.

Include disciplinary folder ONLY: if student poses a threat to student safety or has been expelled.

9. School is discontinued:

All cumulative folders and transcript of record forms are sent to the local conference office of education or entered into the NAD approved Student Information System.

PERMANENT RECORDS RETENTION SCHEDULE

10. DISCARDING STUDENT RECORDS:

Elementary/Middle School/High School Cumulative Student Records are PERMANENTLY kept unless all student information is entered annually on approved Student Information Systems such as: RenWeb, Journey, and Inow.

Attendance records: discard after 3 years.

Behavioral Records: Minor infractions, which do not result in suspension, expulsion or in referral for special education. **Discard at the end of the school year.**

Behavioral Records: Major records; which document major behavioral infractions, or incidents that pose a threat to student safety and all related information; testing, expulsion or suspension decisions, behavioral modification, psychological testing results or referral to such agencies to ensure student safety to themselves or others. **Maintained until student is 21.**

Attendance Excuse records: discard after student is 21 or graduates.

Grade records: discard after 6 years.

Guidance and Counseling records: discard after 3 years.

Parent-Teacher Conference Records: discard after 3 years.

Parental/Custodial Delegation Records; includes court records and related documentation, Discard after 3 years.

Registration Records: discard after 3 years.

Elementary/Middle School Report Cards; discard after 6 years.

High School Report Cards: discard after 6 years.

Special Education Records: discard after 6 years.

Student Health Records: discard when student reaches age 21.

Student Record requests: discard after 5 years.

Transfer application records: discard after 3 years.

Truancy records: discard after 3 years.

11. PERMANENT STUDENT RECORDS:

Elementary/Middle/High School permanent records are permanently kept or up to 75 years. Hard copies must be kept unless these records have been entered into one the approved NAD Student Information Systems.

Permanent Record Information Includes:

- **Attendance**
- **Report cards**
- **Health information**
- **Standardized test results**
- **Individualized Education Plans for students with disabilities**
- **Student's name, birthdate, parental information**
- **Grade level**
- **Major Disciplinary Behavioral Records; expulsion, suspension, and related information (until age 21)**

Cumulative Record Folder Procedures for FERPA Schools

DIRECTIONS FOR USE OF CUMULATIVE RECORD FOLDER

Establishing and Maintaining Records:

1. Initiation of this file is imperative at Pre-K, Kindergarten or First Grade.
2. Records included in this file: all records pertaining to services provided under Individuals with Disabilities Education Act (IDEA), Health records, including immunization records and school nurse records, student academic performance records, attendance records and standardized test results.

(COPIES OF THESE RECORDS ARE KEPT PERMANENTLY) If student information has been entered into NAD approved Student Information Systems then hard copies are not kept, as this information is available online. Please See Record Retention Schedule.

NOT INCLUDED in CUMULATIVE RECORD FILE: Personal notes made by teachers or other staff, student portfolios, records created or maintained by a law enforcement unit for law enforcement purposes and **disciplinary records.*

(These records are maintained in a separate file and purged annually.)

***Disciplinary records: (Only schools who receive Federal Educational Funding; Title 1,2,3, funding must maintain and include official disciplinary records when students transfer to other schools.)**

3. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (OREGON)

“FERPA (Family Educational Rights and Privacy Act) is a federal law that protects the privacy interests of students. It affords parents the right to access and amend their children’s education records, and gives them some control over the disclosure of the information in these records. FERPA generally prevents an education agency or institution from sharing student records, or personally identifiable information in these records, without the written consent of a parent. A “parent” is defined as a natural or adoptive parent, a legal guardian, or an individual acting as a parent in the absence of the parent or guardian. When students reach the age of 18, or attend a postsecondary institution at any age, they are considered “eligible students” and all of the rights afforded by FERPA transfer from the parent to the students. (34 CFR 99.3)” **FERPA REGULATIONS APPLY TO PRIVATE SCHOOLS WHEN PRIVATE SCHOOLS RECEIVE ANY FEDERAL EDUCATION DOLLARS. (TITLE 1,2,3 FUNDING, etc.)**

“Although student files are protected under the law, FERPA does allow the disclosure of student data without parental consent under certain, specified conditions. For example, schools may reveal information from student records to school officials with a legitimate educational interest in the information.

As employees of a school and education institution, you may have access to individual student records in performing your official duties. You are legally and ethically obliged to safeguard their confidentiality.

4. ANNUAL NOTIFICATION AND RIGHTS OF PARENTS

FERPA regulations require that local education agencies give annual notification to parents and eligible students of their rights under the FERPA (34 CFR 99.7). The law does not require agencies to notify parents and eligible students individually, but agencies must provide notification where they are likely to see it. In addition, education institutions must make provisions to effectively inform individuals with a disability or whose primary language is not English.

The annual notification process must ensure that parents understand that they have the right to:

- a. Inspect and review their child's records;
- b. Seek to amend the record if they believe it is inaccurate;
- c. Consent (or not) to disclosures of personally identifiable information; and
- d. File a complaint with the U.S. Department of Education concerning the district's failures to comply with FERPA. **(OR Failure of Private Schools to comply with FERPA regulations who receive Federal Education Funding) i.e (TITLE 1,2,3 Funds)**

Either parent has the right to review an education record unless there is evidence of a court order or state law revoking or restricting these rights. Parents may access the education records of eligible students if they claim the student as a dependent for income tax purposes. However, agencies may require verification of the requester's relationship with the child before providing access to records.

The right of parents to access information is limited to their own child or children. If the education record includes information about other students, that information must be removed prior to disclosure so that parents do not have access to any other child's records. (34 CFR 99.12)

When parents or eligible students request to review their records, the education institution must respond within 45 days, even if these records are kept by an outside party acting for the school. During these 45 days, the educational institution cannot destroy any of the requested records.

5. DISCLOSURE OF STUDENT INFORMATION

Generally, schools must have written parent (or eligible student) permission to release any information from a student's education records. However, in addition to properly designated "directory information," FERPA allows disclosure, without consent, to the following parties or under the following conditions (except as noted, conditions are listed in 34 CFR 99.31):

School officials with a "legitimate educational interest" may access student records under FERPA in order to perform their professional responsibility. The school's criteria for appropriate "school officials" and valid "legitimate educational interest" must be included in the annual notification to parents of their FERPA rights.

- a. Other schools into which a student is transferring or enrolling.
- b. Specified officials for audit or evaluation purposes.
- c. Appropriate parties in connection to financial aid.
- d. Organizations conducting certain studies for, or on behalf of, the school.
- e. Accrediting Organizations.
- f. Judicial orders or lawfully issued subpoenas.
- g. Health and safety emergency officials.
- h. State and local authorities, within a juvenile justice system, pursuant to specific state law.

Please see the sample notice of rights, including suggested language for parent notification.

6. TRANSFER OF SCHOOL DISCIPLINARY RECORDS

APPLIES ONLY TO PRIVATE SCHOOLS THAT RECEIVE FEDERAL FUNDING (TITLE 1,2,3..etc)

If a student seeks or intends to transfer or enroll in another school; as part of the education records, disciplinary records would therefore be included in the transfer.

7. DATA REQUESTS AND FERPA

FERPA statute provides that an education agency or institution **may not have a policy of disclosing education records or personally identifiable information from education records, without prior consent from the parent or eligible student, unless it is considered directory information or falls under one of the other consent exceptions contained in the law.**

PERSONALLY IDENTIFIABLE INFORMATION INCLUDES:

- The student's name;
- The name of the student's parent or other family member;
- The address of the student or student's family;
- Student social security number or student school identification number;
- A list of personal characteristics that would make the student's identity easily traceable;
- Or other information that would make the student's identity easily traceable-personal descriptions, sport achievements, class standing, race, sex, appearance, date or place of birth.

In cases where personal information cannot be removed, school officials must secure parental written consent before disclosing the data to outside organizations. The required consent form should specify:

- **The records that may be disclosed**
- **The purpose of the disclosure**
- **The identity of the party or class or parties to whom the disclosure may be made.**
- **(34 FR 99.30 (b))**

8. CONFIDENTIALITY AND PRIVACY CONCERNS

The use of portable technology such as laptops, phones, iPads and other hand held devices to make performing school-related tasks more convenient; however, it also increases the risk of unauthorized access to protected information.

School administrators, teachers and support staff still have the legal responsibility to ensure the information's confidentiality and privacy. Each education institution subject to FERPA should consider establishing policies, procedures, and best practices to address the security of education records.

All institutions subject to FERPA must address the following questions:

- Does the teacher or staff member have a legitimate educational interest in the information?
- Is prior consent required to carry education records off school premises?
- What is the ethical and legal responsibility of staff in terms of preventing unauthorized use or disclosure of information?
- How will information be protected on portable technology against unauthorized access?
- What type of training will individuals who access and/or use student information require?
- Do individuals with access to personally identifiable information take an oath of nondisclosure?
- Establishing policies and procedures, and best practices is not a cure-all, but it sets the foundation for ensuring a deliberate effort to safeguard the confidentiality and privacy of educational records that can be upheld legally as the educational institution having done due diligence.

For additional information please see: Family Educational Rights and Privacy Act (FERPA)
www.gpoaccess.gov/cfr/index/html