

STUDENT RECORDS

LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY

All requests for educationally-related records for students with or suspected of having disabilities attending District, Charter-operated and contracted nonpublic schools will be responded by the appropriate Custodian of Records at the school site of attendance and/or Special Education Service Center Operations to District policy.

The California Education Code states, "The parent shall have the right and opportunity to examine all school records of his or her child and to receive copies within five business days* after the request is made by the parent, either orally or in writing." *Saturdays, Sundays, and state and federal holidays do not count as business days for this purpose. Summer breaks and school vacations *count* as business days for this purpose. For requests made verbally, school personnel shall assist the parent in putting the request in writing.

Federal and state laws govern pupil records access and confidentiality. A pupil record is any item of information directly related to an identifiable pupil, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm or other means. Student records do not include informal notes related to a pupil compiled by a school administrator/teacher, as long as such informal notes remain in the sole possession of the maker and are not accessible/revealed to anyone else but a substitute who performs the duties of the individual who wrote the notes. Please see the *Parent/Student Handbook* for more details.

SCHOOL RESPONSIBILITIES:

All requests for educationally-related records for students with or suspected of having disabilities attending District, Charter-operated schools and contracted nonpublic schools will be responded to by the appropriate Custodian of Records either at the school site of attendance and/or Special Education Service Center Operations in accordance with LAUSD POLICY BUL 5526.6 as follows:

All educationally related records requests for students with or suspected of having disabilities at District, Charter-operated and contracted nonpublic schools are to be mailed, emailed, or faxed to:

Custodian of Records

Los Angeles Unified School District

Division of Special Education Special Education Service Center, Operations

333 S. Beaudry Ave., 18th Floor Los Angeles, CA 90017

(213) 241-2417 (fax)

sesc-operations@lausd.net (email)

Upon receipt of a request of records by parent of a student with or suspected of having a disability at a school site, the school will process, and route the request as follows:

- Within one (1) business day, provide and assist parent with completion of "Request for Educationally Related Records" form (Attachment A1 - English or Attachment A2 - Spanish);
- Forward the completed records request form via fax to Custodian of Records – Special Education Service Center Operations, at (213) 241-2417 or scan and e-mail to: sesc-operations@lausd.net Subject: Request for Records.

Upon receipt of a request of records by an agency or law firm, the school will process and route the request as follows:

- Within one (1) business day, fax or e-mail to Custodian of Records request for records from an agency or law firm;
- Request will be logged in as received by Custodian of Records;
- Custodian of Records will begin to process request;
- Custodian of Records will fax to the school site the Request For Records Maintained at The School Site and School Site Verification of Records (Attachment B);
- School Site will log in the date the completed form was received;
- School will begin the records request retrieval/search as identified (Attachment B);
- School site is responsible for mailing all documents to identified individual(s) on Attachment B;
- Do Not send to Custodian of Records unless specified; and
- School site must confirm completion of request within the five (5) business days of receipt of school site request from Custodian of Records by forwarding the signed Verification of Records (Required Completion) via fax or e-mail to Custodian of Records in order to archive request/response completion by school site (Attachment B).

TYPES OF RECORDS

There are three types of student educational records: mandatory permanent records, mandatory interim records, and permitted records.

Mandatory permanent records are required by State law to be kept in perpetuity. Examples include:

- Name, birth date, place of birth, gender.
- Name and address of parent.
- Subjects taken during the school year.
- Date of graduation.

Mandatory interim records are those which schools are required to compile and maintain for a stipulated period of time and then they may be destroyed. Examples of this type of record include:

- Health information.
- Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
- Progress reports.

Permitted records are student records that the school district maintains for appropriate educational purposes such as program placement and programming of student class schedules. Examples include:

- State and District assessment results.
- Objective counselor and/or teacher ratings.
- Routine discipline data.
- Verified reports of relevant behavior patterns.

SPECIAL EDUCATION RECORDS (GREEN FOLDERS)

Each student who receives special education services in the Los Angeles Unified School District must have a special education folder (green folder or special education folder as part of the cumulative record file). However, students transferring from other districts or states may have a different folder. Therefore, it is important to carefully review all records received for out-of-district students to ensure that all students requiring special education services are identified and provided with the appropriate services.

Note: For students with disabilities who are also English Learners (EL), the EL records should be maintained in the cumulative folder outside of the special education folder.

- Federal and State laws require that specific documents become part of the school records for a student with a disability. The District requires schools to maintain the following mandated records in the green folder:
 - Access log (front outside cover).
 - Student Support and Progress Team notes or other pre-referral intervention information.
 - Request for Special Education Assessment.
 - Special Education Assessment Plan.
 - Assessment reports, with the following exceptions:
 - Assessment reports developed by District Psychological Services, as well as those psychological reports in the form of an independent educational assessment report, are uploaded to the Welligent system; and
 - Health reports are maintained by the Health office at the school of attendance.
 - Parent Consent for Release of Information, if applicable.
 - Parent Notification of Meeting and Intent to Participate.
 - Individualized Education Programs.
 - Special Education Assessment/Test Protocols.
- During the implementation of a student's individualized education program, any teacher providing service to the student must have access to the student's complete IEP. The following staff must have access to a current copy of the IEP:
 - Special education teachers
 - General education teachers providing services to the student with a disability
 - Related Service providers
 - Other service providers as identified on the IEP document
- Other staff members such as a classroom assistant, may have access to the portions of the IEP that enable him/her to successfully exercise duties with regard to implementation of the IEP. However, the IEP and any other educational record must be maintained in such a manner as to ensure complete confidentiality.
- If it is determined at the IEP meeting, that a student *is not* eligible for special education services, all records (including the completed IEP, *Request for Special Education Assessment*, *Assessment Plan* and *Parent Notification of Meeting*, and related documents) must be filed in the student's cumulative folder. A green or special education would not be created for such a student.

SCHOOLS, PLEASE NOTE: Scan and upload signed forms received from parents to the relevant IEP in the Welligent System, specifically pages 10 and 11 (consent page and attendance sheet with signatures of all IEP participants/attendees).

ACCESS TO EDUCATIONAL RECORDS

Parents/guardians/18-year-old students who are not conserved or under guardianship have an absolute right to access pupil records. Even noncustodial parents, in the absence of an order preventing access, can access pupil records. Parents with legal custody may authorize a third party (like attorneys) to have access to pupil records. EC section 49075 states that this written consent must specify the person/class of people who can have access and the specific record(s) to be accessed. The consent must be kept in the student's file.

Schools must have written permission from the parent or eligible student in order to release any information from a student's educational record. However, schools may disclose those records, without consent, to certain parties or under certain conditions, such as the Student Attendance and Review Board (SARB), the school where the student enrolls or intends to enroll, and District employees who need the information in order to perform their job duties. There is also an emergency exception: the school may disclose to appropriate persons in connection with an emergency (as determined by the school) if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons (EC section 49076 (b) (1)). Please see LAUSD POLICY BUL 2469 for more details.

The following persons or agencies have mandatory access to student records:

- Natural parents, adoptive parents, legal guardians (unless the school has been advised that the individual does not have authority under applicable State law governing matters such as guardianship, separation, and divorce)
 - Student age 16 or completion of 10th grade
 - Parent/guardian of a student over 18 if the student is a dependent adult
 - School officials and employees for legitimate educational purposes
 - School attendance and review board members (SARB)
 - Other public schools in California where the student has or intends to enroll (parent/student notification required)
 - Private schools or out-of-state schools of anticipated or new enrollment (parent/student notification required)
 - Federal, State, and county officials for program audit and compliance purposes
 - Agencies specified by law (for example, an agency investigating child abuse)
 - Those authorized by court order to have educational rights for the student (notification to parent/eligible student is required to release information)
- The following persons or agencies may have access to student records:
- Appropriate persons in an emergency
 - Agencies or organizations in connection with an emergency
 - Accrediting associations
 - Organizations conducting studies on behalf of the District

- Persons or agencies authorized by the parent, guardian or the student (if over eighteen and educational rights have transferred to the student)
- Member of a hearing panel (an Assistant Superintendent or Board of Education may, with written consent of the parent, convene a hearing panel to assist in a parent's appeal of a local school administrator's decision regarding the content of the student's records)
- Any individual or agency authorized to have access to a student's records must maintain the confidentiality of the records and is prohibited from releasing any of the information without the written consent of the parent/guardian or the student if the right of consent has transferred to the student.
- If an individual or agency not included in the above lists requests access to a student's record, access can only be granted by the school principal who is the authorized custodian of the records. Permission must be given in writing and documented on the access log.

PARENTAL ACCESS

In order to assist a parent/guardian in making informed decisions, parents/guardians have the right to examine educational records pertaining to their child. This right is explained in *A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)*.

- A parent's written request to review records should be documented, a copy maintained at the school site and a copy forwarded to the LAUSD Custodian of Records as described in LAUSD Policy Bulletin 5526.6 and above under *School Responsibilities*.
- The parent/guardian has the right to:
 - Inspect and review all educational records of their child and to receive copies, as requested, within five business days after the request is made by the parent.

Note: Draft Welligent IEP pages are considered student records.

- Request an explanation and interpretation of their child's records.
- Request (orally or in writing) copies of their child's records and receive the requested records within five days of the date that the request was made.
- Have a representative inspect their child's records.
- Request qualified certificated personnel to interpret the records in the primary language of the parent or request assistance in securing an interpreter.
- If an educational record includes information on more than one child, parents/ guardians have the right to inspect and review only the information relating to their child.
- The school must make available to a parent/guardian, upon request, a listing of the types and locations of educational records.
- The school may charge a fee for copying educational records, but the charges must not exceed the actual cost of reproducing such records. Charges for copying records should generally be \$.25 for the first page and \$.10 for each additional page (refer to current policy bulletin). However, if the fee would prohibit a parent/guardian from exercising the right to inspect and review records, the records must be reproduced at no cost to the parent. A fee may not be charged for the search or retrieval of the requested records.

- A parent who believes that the information in the records is inaccurate, misleading, or violates the student's privacy or other rights, may request that the school administrator amend the information. After working with all parties involved to resolve the disputed item, the school administrator may decide that corrections or removal and destruction of the information would be appropriate. The administrator must advise the parent in writing of this decision. If the decision is that the student's record should not be amended, the school administrator must inform the parent of the reason and advise the parent in writing of appeal procedures. A parent may appeal the decision to the Local District Superintendent.

MAINTENANCE OF RECORDS

The principal is the custodian of student records and ensures that the school site has in place the following procedures and protections for the maintenance and confidentiality of records:

- Access logs are placed on the front outside cover of every special education green folder to document persons requesting or receiving information from the folder.
- Verify that file cabinets used to maintain student records are locked daily.
- Post a list by positions/titles of personnel having routine access to school records on the front of the file cabinets containing the records of students with disabilities. Persons having routine access include: principal, assistant principal, counselors, special education teachers, general education teachers serving students with special needs, related services staff, EL coordinator, school psychologist, school nurse, school physician, attendance/records clerk, and administrative assistants. Persons with routine access, and a student's parent/guardian who has requested a review of the records, do not have to sign the access log.
- Post a current list, by name, of school personnel having routine access to the records of students with special needs. This listing must be updated with staffing changes and should be posted on the top or side of the file cabinet or on a wall or bulletin board in close proximity to the file cabinet. If records are maintained in multiple rooms, each room requires a posted listing.
- Inform school personnel regarding procedures for maintaining confidentiality of student records.
- Maintain green folders with the student's cumulative folder. The records of students with disabilities are to be maintained in the same file cabinets as the records of the general education students.
- Maintain green folders for five (5) years following the student's date of graduation. After five years, the green folders are destroyed in accordance with District practices.
- As often as possible, scan and upload signed forms received from parents to the relevant IEP in the Welligent System, specifically pages 10 and 11 (consent page and attendance sheet with signatures of all IEP participants/attendees).

TRANSFER OF RECORDS

In order to provide a comprehensive educational plan and appropriate placement for every student at the beginning of the school year, it is critical that information is shared between schools in a timely manner.

Per the California Education Code, when a student transfers to a new school (officially enrolled), the student's permanent record must be transferred within 10 school days of the request from the new school.

Schools must plan accordingly during the matriculation period to ensure that student records are transferred within the specified time frame.

In order to facilitate the continued provision of appropriate services to students who transfer schools:

- **The green folder must be included with the student’s cumulative record and be forwarded to the receiving school when the student transfers to another District school.**
- **The green folder is included with the student’s cumulative record and transferred to a new district in accordance with District policy when the student transfers to an out-of-District school.**
- **For a transfer to a nonpublic school, all original student records including the green folder and cumulative record remain at the sending public school. A copy of the IEP and other relevant documents is given to the nonpublic school at the time of enrollment.**
- **When students transfer between district schools and charter schools, it is important to provide the complete cumulative records to the student’s new school.**
- **There are two types of charters aligned with LAUSD, and records should be treated as follows:**
 - ***Affiliated, conversion and PSC charter schools* are treated as LAUSD schools and receive the entire cumulative record, including the green folder with the current IEP. Note: any affiliated charter schools or conversion independent charter schools must sign the district’s “Agreement to Maintain Pupil Records” in order to receive cumulative records, as outlined in district policy bulletin BUL-5528.0.**
 - ***Independent charter schools* receive a copy of the entire cumulative record, including a copy of both sides of the cumulative record folder and test label card inserts. Similarly, independent charter schools must provide complete cumulative records when requested, including printouts from any separate data systems that contain student information required in the cumulative records.**

All schools outside of LAUSD are responsible for maintaining these cumulative records in perpetuity as well as storing and safeguarding them for future retrieval.

Upon any charter school closure, pupil records must be returned to their respective LAUSD Local District office.

- **ALL SCHOOLS, scan and upload signed forms received from parents to the relevant IEP in the Welligent System, specifically pages 10 and 11 (consent page and attendance sheet with signatures of all IEP participants/attendees).**