

THE TRANSFER OF EDUCATIONAL RECORDS

Wyoming Department of Education
Division of Special Education Programs
Policy and Procedure for Special Education
Confidentiality
Student Education Records and Access

January 18, 2019

Guidance to Wyoming's Child Development Centers and
The Wyoming Department of Health, Behavioral Health Division

The following information is provided regarding the transfer of Student Education Records for all IDEA Part B students ages 3 through 21:

§X. Transfer of Student Education Records

- A. Within ten days of a student's enrollment in a school district or public agency, the new school district or public agency must notify the school district or public agency in which the student was formerly enrolled, and request the student's education records.
- B. The former school district or public agency must transfer all requested student education records to the new school district or public agency no later than 10 days after receiving the request.
- C. The education records transferred to the new school district or public agency must include any special education records relating to the particular student retained by the former school district or public agency.
- D. The former school district or public agency must retain copies of student education records for the time periods and under the conditions described in the Wyoming School Districts Record Retention Schedule.

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA Defines an Education Record

Education records include a range of information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Examples are:

- Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
- Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
- Special education records;
- Disciplinary records;
- Medical and health records that the school creates or collects and maintains;
- Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned;
- Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

Part of the education record, known as directory information, includes personal information about a student that can be made public according to a school system's student records policy. Directory information may include a student's name, address, and telephone number, and other information typically found in school yearbooks or athletic programs. Other examples are names and pictures of participants in various extracurricular activities or recipients of awards, pictures of students, and height and weight of athletes.

Each year schools must give parents public notice of the types of information designated as directory information. By a specified time after parents are notified of their review rights, parents may ask to remove all or part of the information on their child that they do not wish to be available to the public without their consent.

Federal Register

34 CFR Parts 300 and 301 provides assistance to States for the education of children with disabilities.

34 CFR Section 300.229(a) provides that public agencies can transmit disciplinary information on children with disabilities only to the extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children.

For questions, contact Susan Shipley, Continuous Improvement Supervisor-Part B Performance Data Manager, at 307-777-2925 or susan.shipley@wyo.gov.