

Educational Records

To ensure compliance with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Education for All Handicapped Children Act of 1975, SAD #68 shall comply with the requirements for access to and confidentiality of education records, as set forth in the Maine Special Education Regulations and the FERPA regulations, and to that end shall:

1. permit parents, adult students, or their representative, to inspect and review any education records as defined by the Maine Special Education Regulations and the federal FERPA that are collected, maintained or used by the school under the Maine Special Education Regulations as those records relate to their children or the adult student;
2. comply with a request for access without unnecessary delay and before any meeting regarding an Individualized Education Program or a due process hearing relating to the identification, evaluation, or placement of the student, and in no case more than 45 days after the request is made;
3. ensure a timely response from the school unit to reasonable requests for explanations and interpretations of information found in their education records;
4. provide copies of the records containing the desired information if the failure to provide those copies would effectively prevent the parent or adult student from exercising the right to review the records;
5. maintain a list of the types and locations of education records held by the school unit and the titles and addresses of those responsible for the records;
6. not disclose personally identifiable information from an education record without the prior written consent of the parent or adult student in accordance with Maine Special Education Regulation 12.4, except as permitted by law;
7. maintain a record of all disclosures of personally identifiable information, except to the parents, adult student or to authorized school employees, and allow parents and adult students to inspect the record;
8. allow parents and adult students to seek correction of the education records of a student through procedures established in accordance with Maine Special Education Regulation 12.8 and
9. may charge a reasonable fee for copies of education records provided to parents or adult students, unless that fee would effectively prevent the parents or adult student from exercising their rights to review those records.

In accordance with federal regulation 34 C.F.R. S 99.6, the school unit shall maintain a written policy setting forth the above information and other information on confidentiality right required by FERPA and the Maine Special Education Regulations. In addition to the above information, that written policy shall include a statement of the procedures persons must follow to obtain a review of education records as well as when no

fee shall be charged, and a description of the procedure that may be followed to amend a student's education records. This written policy shall be made available to all parents or adult students upon request.

In accordance with federal regulation 34 C.F.R. S 99.7, the school unit shall annually notify parents of students or adult students currently attending school in the unit of their confidentiality and access rights under FERPA and the Maine Special Education Regulations. That notification shall contain the information set forth in federal regulation 34 C.F.R. S 99.7. This notification must be understandable by (or effectively notify) parents or adult students who have a primary or home language other than English.

Legal Reference: 34 CFR 99.6

See Also: Procedures for Local Entitlement (EFS-08, Part 5)
 Removal Procedures for Students with Disabilities

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