



WV SCHOOLS OF DIVERSION AND TRANSITION ORGANIZATIONAL PROCEDURES

MAINTENANCE, TRANSFER AND DISCLOSURE OF STUDENT RECORDS IN JUVENILE FACILITIES	Section	Programs and Services
	Number	4.21a
	Effective Date	04-21-16
	Revision Date	06-21-16
	Revision No.	1
	Approval:	<i>Quincy Green</i>

1.0. PURPOSE:

The purpose of this policy is to provide a uniform WV Schools of Diversion and Transition (WVSDT) procedure for maintenance and storage of student records within juvenile facilities, and for transfer of records to other facilities, to public schools, to vocational/technical schools or other post-secondary programs.

2.0. APPLICABILITY:

Procedures apply to all Diversion and Transition Programs located in juvenile Department of Health and Human Resources and Division of Juvenile Services facilities.

3.0. POLICY STATEMENT:

The application of "Maintenance, Transfer and Disclosure of Student Records in Juvenile Institutions" ensures that appropriate educational data on each student is secured, accurately documented and recorded, securely stored and expeditiously transferred upon the student's exit.

4.0. DEFINITIONS:

- 4.1 "Access" refers to the right to enter or use a student's educational record and/or viewing said record. For the purpose of this procedure, the terms access and disclosure are interchangeable.
- 4.2 "Collection, Maintenance & Disclosure of Student Data" (Addendum 1) is the WVSDT brochure of informational reference for parents and guardians. It provides compliance for Policy 4350, section 7.1 under §126-94-7, Annual Notification of Rights.
- 4.3 "Consent" means that parents have been informed regarding Collection, Maintenance & Disclosure of Student Data (Addendum 1) and that granting of consent is voluntary.
- 4.4 "Disclosure" refers to the act of allowing access (as described in Policy 4350, section 4.1.f), or the release, transfer or other communication regarding the educational records of a student. Disclosure includes information shared verbally, or in written form, by electronic means, or by any other means to any party.

- 4.5 “Educational Record” means any datum or record directly related to a student, which is collected, maintained or disclosed by any educational agency or facility or by anyone acting on behalf of any educational agency or facility under the general supervision of the West Virginia Board of Education. This does not include records maintained by the host agency or records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional for the purpose of treatment or to assist in the purpose of treatment of any individual student or group of students.
- 4.6 “Record” refers to any data or information documented in any medium including, but not limited to handwritten notes, print, video or audio tape, microfilm, microfiche, and computer media.
- 4.7 “Record of Disclosure or Access” (Addendum 2) refers to the official WVSDT log, which is maintained with the educational record of each student. This log includes a space for the date, purpose for inquiry and signature of inquiring party each time the student’s educational record is accessed, or any disclosure is made, including orally sharing information with the host agency for the purpose of treatment, MDT or other meetings.
- 4.8 “Student Disclosure Form” (Addendum 3) refers to the standardized form reviewed and signed during the intake process with each student to ensure students’ understanding that any revelations of a critical nature may be shared with host agency professional and/or paraprofessionals for the purpose of treatment.
- 4.9 “Student Intake Form” (Addendum 4) refers to the official WVSDT form completed by a designated education staff member before the resident enters the education program.
- 4.10 “Secured Location” means a cabinet, bookcase or file drawer that will close and lock.
- 4.11 “HSE” means High School Equivalency diploma.

5.0 PROCEDURES:

- 5.1 The principal, lead teacher or supervisor at each school is responsible for the implementation of this policy.
- 5.2 The principal, lead teacher or supervisor shall ensure that each Diversion and Transition Program within a juvenile facility maintains educational records at the school for all students and shall designate one individual to be responsible for student records.
- 5.3 Educational records shall be maintained in a secured location except when being used for the purpose of documentation, review (as in a SAT Meeting or an IEP Meeting), or other educational purposes. Electronic files are protected through the use of a user I.D. password. Passwords and user I.D.’s are to be used only by the person to whom they are assigned. Records sent electronically must be encrypted.
- 5.4 An official WVSDT Record of Disclosure (Addendum 2), also known as an access sheet, shall be placed at the front of each student record. Any person, other than the designee responsible for maintenance of student records, who accesses the record of any student shall sign, date and state the purpose for access on this log (as outlined in Policy 4350, Section 18.1). This includes verbal sharing of information from student records for a SAT Meeting or an IEP Meeting, as well as any information shared directly with personnel from the host agency, or outside agency staff.

- 5.5 Each school shall maintain, for public inspection, a current listing of the names and positions of employees within the facility who may access educational records.
- 5.6 The principal, lead teacher, supervisor or designee shall ensure that a copy of "Collection, Maintenance & Disclosure of Student Data" (Addendum 1) is sent to the parent or guardian of each student upon intake in accordance with State Board Policy 4350, Section 6.1. Each school shall maintain documentation of said notification in the form of a log or notebook.
- 5.7 Educational records shall be forwarded to a student's next placement or school within five (5) working days of the student's exit. If the designated record-keeper is unaware of the student's exit and next placement, he or she shall exhaust every avenue to locate the student's new placement or school and transfer the educational records upon verification of placement. Educational records may be transferred upon verbal request to any school, school system or post-secondary institution where the student intends to enroll (State Board Policy 4350, Section 20.1).
- 5.8 The principal, lead teacher, supervisor or designee will contact the receiving school for verification of the student's enrollment or communication with intent to enroll.
- 5.9 Dates of each transfer of records, including the date of every request and receipt of records, shall be recorded on the standardized Student Intake Form (Addendum 4), which shall be maintained in the education file folder of every student enrolled in the education program.
- 5.10 Prior consent of parents and/or guardians is not required for the disclosure of education records to the host agency or to state and local officials, "when reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released", in accordance with Policy 4350, Section 18.1.e.1.
- 5.11 Education records of students who are discharged will be kept in an inactive file for at least five (5) years in accordance with the U.S. Department of Education's General Administrative Regulations (EDGAR). Copies of Grade Reports, HSE's, diplomas and transcripts shall be kept indefinitely.

6.0 **AUTHORITY**

State Board of Education Policy 4350 – *Procedures for the Collection, Maintenance and Disclosure of Student Information.*