

### **Personally Identifiable Information\*\***

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parent(s) or other family member(s);
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's Social Security number or student ID number or biometric identifier;
5. Personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;
6. Other information along or in combination with what would make the student's identity easily traceable;
7. Other information requested by a person who the ESD reasonably believes knows the identity of the student to whom the educational record relates.

#### **Prior Consent to Release**

Personally identifiable information will not be released without prior signed and dated consent of the parent or student if 18 years of age or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or student if 18 years of age or older or emancipated, the ESD will provide a copy of the disclosed record.

#### **Exceptions to Prior Consent**

The ESD may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the student's local school district who have legitimate educational interests;
2. To personnel of an ESD or state regional program where the student is enrolled or is receiving services;

3. To personnel of another school, another school district or institution of postsecondary education where the student seeks or intends to enroll;
4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state supported education programs or the enforcement of or compliance with federal or state supported education programs or the enforcement of or compliance with federal or state regulations;
5. To personnel reviewing a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the student's school district;
7. To personnel in educational accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;
10. To the parent of a student who is less than 18 years of age, in response to their request;
11. To a student who is 18 years of age or older or emancipated, in response to their request;
12. To the public when information has been identified as "directory information;"
13. To the courts when legal action is initiated;
14. To a court or state or local juvenile justice agencies;
15. To authorized personnel, in response to a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that is legally responsible for the care and protection of the student including educational stability of children in foster care.

END OF POLICY

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**Legal Reference(s):**

[ORS 30.864](#)

[ORS 107.154](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[OAR 581-015-2000](#)

[OAR 581-021-0220 to -0430](#)

[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011).

Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan.14, 2013), 20 U.S.C. § 1221.

As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

**Cross Reference(s):**

*IGBAB - Records of Students with Disabilities* and *JO - Education Records*