



## HOME SCHOOL STUDENT EDUCATION RECORDS

The information contained below shall serve as the LBL Home School Program's annual notice to parents of minors and eligible students (18 and older) of their rights, and the location of educational records.

"Parent" means a parent of a student and includes a natural parent, a guardian, an individual authorized in writing to act as a parent in the absence of a parent or a guardian, or a surrogate parent appointed to represent a student with disabilities. \*

"Eligible student" means a student who has reached 18 years of age, or a student who is attending only an institution of postsecondary education and is not enrolled in a secondary school.

"Education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. A student's education records are confidential and protected from unauthorized inspection or use. All access and release of education records with and without parent and eligible student notice and consent will comply with state and federal laws. Records are maintained at Linn Benton Lincoln Education Service District.

### **Parent(s) or eligible student has a right to:**

1. Inspect and review the student's education records;
2. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
4. Pursuant to Oregon Administrative Rule 581-21-410, file with the United States Department of Education a complaint under 34 CFR, Section 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
5. Obtain a copy of the educational agency's policy with regards to student education records.

Parent or eligible student shall comply with the following procedure to inspect and review a student's education record

1. Provide a written, dated request to inspect student's education record
2. Shall specify the records to be inspected
3. Provide a written, dated and signed statement that person(s) making the request has a right to that information under Oregon law.

By Oregon law, both parents (whether married, separated, or divorced) have access to the records of a student who is under 18 unless the educational agency is provided evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

## **Directory Information**

Directory information means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released. The following categories are designated as directory information:

1. Student's name;
2. Dates of attendance;
3. Degrees or awards received;
4. Most recent school or program attended.

## **Exclusions**

At no point will a student's Social Security Number or student identification number be considered directory 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**

The LBL Home School Program will not disclose directory nor personally identifiable information without parent or eligible student authorization or as provided by law. Federal law requires education service districts to provide, upon request, access to directory information by a military recruiter or institution of higher education, unless the parent specifically requests the ESD to withhold this information.

Notice of and/or request for release of directory or 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.

**Legal Reference(s):**

ORS 30.864	ORS 326.575	OAR 581-015-2000
ORS 107.154	ORS 336.187	OAR 581-021-0220 to -0430
ORS 326.565	ORS 339.260	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.  
 No Child Left Behind Act of 2001, 20 U.S.C. § 7908 (2006).

LBL Policy:  
 IGBAB – Records of Students with Disabilities  
 JO – Education Records

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\* 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.