

PUBLIC NOTICE
INTENT TO DESTROY SPECIAL
EDUCATION
PROGRAM RECORDS

The Carrizo Springs Consolidated Independent School District intends to destroy special education eligibility folder records maintained for individual students who have not received special education services since 1996 to 1997. The information is no longer needed to provide educational services. Special education records inactive since 1996 to 1997 or before will be destroyed by shredding or burning.

Destruction of these records conforms to the requirements of the following legal authorities –

Individuals with Disabilities Education Act: §300.611-300.625; Texas State Library & Archives Commission, Local Schedule SD (13 TAC 7.125 (a) (4) (Second Edition), Retention Schedule for Records of Public School Districts – Section 3-1: Special Education Program Records, and Financial Accountability System Resource Guide, Update 14-January 2010-7.4.3.3 Destruction of Records.

A parent or adult student wanting to exercise the right to access those records and request copies must make the written request so that it arrives in the Special Education Services Office no later than September 30th, 2017.

Carrizo Springs CISD

Office of Special Education Services

300 N. 7th Street

Carrizo Springs, TX 78834

830-876-3503

Individuals with Disabilities Education Act: §300.611-300.625

Sec. 300.611 Definitions.

As used in Sec. Sec. 300.611 through 300.625--

[\(a\)](#) Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

[\(b\)](#) Education records means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

[\(c\)](#) Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act.

(Authority: 20 U.S.C. 1221e-3, 1412(a)(8), 1417(c))

Sec. 300.612 Notice to parents.

[\(a\)](#) The SEA must give notice that is adequate to fully inform parents about the requirements of Sec. 300.123, including--

[\(1\)](#) A description of the extent that the notice is given in the native languages of the various population groups in the State;

[\(2\)](#) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

[\(3\)](#) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

[\(4\)](#) A description of all of the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations in 34 CFR part 99.

[\(b\)](#) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.613 Access rights.

[\(a\)](#) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to Sec. 300.507 or Sec. Sec. 300.530 through 300.532, or resolution

session pursuant to Sec. 300.510, and in no case more than 45 days after the request has been made.

(b) The right to inspect and review education records under this section includes--

(1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(2) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent inspect and review the records.

(c) An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.614 Record of access.

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.615 Records on more than one child.

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.616 List of types and locations of information.

Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.617 Fees.

[\(a\)](#) Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

[\(b\)](#) A participating agency may not charge a fee to search for or to retrieve information under this part.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.618 Amendment of records at parent's request.

[\(a\)](#) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

[\(b\)](#) The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

[\(c\)](#) If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under Sec. 300.619.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.619 Opportunity for a hearing.

The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.620 Result of hearing.

[\(a\)](#) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing.

[\(b\)](#) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the records the agency maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

[\(c\)](#) Any explanation placed in the records of the child under this section must--

[\(1\)](#) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and

[\(2\)](#) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.621 Hearing procedures.

A hearing held under Sec. 300.619 must be conducted according to the procedures in 34 CFR 99.22.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.622 Consent.

[\(a\)](#) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99.

[\(b\)](#)

[\(1\)](#) Except as provided in paragraphs (b)(2) and (b)(3) of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.

[\(2\)](#) Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with Sec. 300.321(b)(3).

[\(3\)](#) If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.623 Safeguards.

[\(a\)](#) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

[\(b\)](#) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

[\(c\)](#) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under Sec. 300.123 and 34 CFR part 99.

(d) Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.624 Destruction of information.

(a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Sec. 300.625 Children's rights.

(a) The SEA must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.

(b) Under the regulations for FERPA in 34 CFR 99.5(a), the rights of parents regarding education records are transferred to the student at age 18.

(c) If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, consistent with Sec. 300.520, the rights regarding educational records in Sec. 300.613 through 300.624 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the Act to the student and the parents.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

<http://idea.ed.gov/explore/view/p/,root,regs,300,F,.html>

Texas State Library & Archives Commission, Local Schedule SD (13 TAC 7.125 (a) (4) (Second Edition), Retention Schedule for Records of Public School Districts – Section 3-1: Special Education Program Records

SECTION 3-1: SPECIAL EDUCATION PROGRAM RECORDS

<i>Record Number</i>	<i>Record Title</i>	<i>Record Description</i>	<i>Retention Period</i>	<i>Remarks</i>
*SD3250-01	ENROLLMENT LISTS AND ROSTERS		5 years.	See retention note (b) on page 7.
*SD3250-02	STUDENT RECORDS	Records of each student referred to or receiving special education services, including referral, assessment, and reevaluation reports; enrollment and eligibility forms; admission, review, and dismissal (ARD) and transitional planning committee documentation; individual educational plans (IEP) and individual transitional plans (ITP); parental consent forms for testing and placement; and other records of services required under federal and state regulation.	Cessation of services + 5 years, <i>but see retention note (a).</i>	Retention Notes: a) It is an exception to the retention period given for this record group, that the following information must be retained PERMANENTLY in some form on each student in grades 9-12 participating in a special education program: name, last known address, student ID or Social Security number, grades, classes attended, and grade level and year completed. If an academic achievement record [see item number SD3200-01(a)] is created for the student and maintained among those for students in the regular population, it is not necessary for special

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				<p>education records custodians to maintain the prescribed information beyond 5 years after the cessation of services, provided that it is contained in the Academic Achievement Record.</p> <p>b) Prior to the destruction of any records in this record group, the eligible student or the parents of the student, as applicable, must be notified in accordance with federal regulation.</p> <p>(c) See retention note (b) on page 7.</p>

Retention Note: b) GRANT RECORDS - The 5-year retention period frequently established for records of school districts in this schedule and Local Schedule GR derives from federal requirements in 34 CFR 80.42(a)(1) and (c), which declares the following: "Starting date of retention period—(1) General. When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due." These requirements involve the retention of financial and programmatic records, including supporting documents, statistical reports, and other records pertinent to program regulations or the grant agreement relating to projects or programs funded by the U.S. Department of Education through subgrants using federal funds from the Texas Education Agency.

<https://www.tsl.texas.gov/slr/recordspubs/sd.html#section3-1>

Financial Accountability System Resource Guide, Update 14-January 2010-7.4.3.3 Destruction of Records

7.4.3.3 Destruction of Records

The Texas Government Records Act establishes specific rules for the destruction of records. Someone knowingly or intentionally violating these rules violates the law. Therefore, school district staff should identify records that are affected by the Act and the appropriate methods of disposal for them.

According to Section 202.001 of the Texas Government Records Act (Local Government Code 202.001), records may be destroyed if:

- The record is listed on a records control schedule accepted for filing by the Texas State Library and Archives Commission (the Commission) and its retention period has expired or it has been microfilmed or stored electronically in accordance with established requirements
- The record appears on a list of obsolete records approved by the Commission
- A destruction request is filed with and approved by the Commission (for a record not listed on an approved control schedule)

Additionally, other records may be destroyed if they meet the following requirements:

- The record destruction or obliteration is directed by an expunction order issued by a district court pursuant to state law
- The record is defined as exempt from scheduling or filing requirements by rules adopted by the Commission or listed as exempt in a records retention schedule issued by the Commission

Generally, records may be destroyed by burning, shredding, pulping, burial in a landfill or by sale or donation for recycling purposes. However, the following exceptions exist:

- Records to which public access is restricted under Chapter 552, Government Code, or other state law may be destroyed only by burning, pulping or shredding
- A school district that sells or donates records for recycling purposes must establish procedures for ensuring that the records are rendered unrecognizable as local government records by the recycler
- The commission may approve other methods of destruction that render the records unrecognizable as local government records

[http://tea.texas.gov/Finance and Grants/Financial Accountability/Financial Accountability System Resource Guide/](http://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/)