

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 17-12</p>	<p align="center">Policy #5.4</p>
<p>Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities (RYDC's and YDC's)</p>	<p>Related Standards & References: 20 USC § 1232g & 34 CFR Part 99. O.C.G.A. §§ 49-4A-12, 49-4A-8 (d) Family Educational Rights and Privacy Act Individuals with Disabilities Education Act ACA Standard: 4-JDF-1C-22, 4-JCF-4D-08, 4-JCF-5D-11, 3-JDF-1E-01 thru 02, 3-JDF-1E-08, 3-JDF-1F-06, 3-JDF-5C-04-1 DJJ 1.9, 5.1</p>	
<p>Chapter 5: RECORDS MANAGEMENT</p>	<p>Effective Date: 11/30/17</p>	
<p>Subject: EDUCATION RECORDS</p>	<p>Scheduled Review Date: 11/30/18</p>	
<p>Attachments:</p> <p>A – Education Records Retention Protocol B – Format for Education Records C – Persons Having Access to Student Special Education Records D – Record Access Log E – Contact Log F – Notification of Rights Under FERPA G – Statement of Parental Rights H – Notice of Release of Confidential Student Information</p>	<p>Replaces: 4/15/12 Administrative Services Division</p> <p>APPROVED:</p>  <hr/> <p>Avery D. Niles, Commissioner</p>	

I. POLICY:

Department of Juvenile Justice Schools-GA Preparatory Academy (DJJ-GPA) shall ensure the confidentiality and integrity of education records. Education records shall be organized in an orderly and consistent manner in order to ensure the timely continuation of services to students who enter DJJ schools, transfer to other DJJ schools, or return to their local school systems.

II. DEFINITIONS:

Education Record: An organized compilation of written or electronic (i.e., Juvenile Tracking System, Infinite Campus, emails, etc.) documents, reports, evaluations, notes, contacts, summaries, and other information pertaining to the provision of education services.

Records Coordinator: The individual staff member designated, in writing, by the Director of a facility/program/office of the Department to assist with the records management process in his/her work unit.

Records/Information Manager: The employee within the Administrative Services Division responsible for the overall management of DJJ records, including the retention schedules, Certification of Records, and transfer of records to the State Archives or the Records Center or any Department of Juvenile Justice Repository.

Chapter	Subject	Policy #	Page
RECORDS MANAGEMENT	EDUCATION RECORDS	5.4	2 of 6

III. PROCEDURES:

- A. Education records are confidential records. Staff will retain and destroy all education records in accordance with established retention schedules (see DJJ 5.1, Records Management).
- B. Staff will utilize the Education Records Retention Protocol (Attachment A) as the guidelines to managing the retention and destruction of records.
- C. The Director of Student Support Services will be the official records custodian for education records. The Director of Student Support Services will provide leadership in education records management to include school records, Infinite Campus, JTS records, student testing, immunization, credits, diplomas, etc.
- D. The Regional Principal will designate an individual who is responsible for the maintaining education records, complete the Records Coordinator Approval Form with the designated records custodian's name (DJJ 5.1 Attachment H), and submit a copy to the Records/Information Manager.
- E. The Associate Superintendent will approve all education related forms that DJJ schools will use in student records. DJJ Schools will organize student records according to the format established by the Office of Education. (See Attachment B, Format for Education Records.) Each record will have a label with the youth's name and identifying information (e.g., date of birth, identification number, Georgia Test Identification Number [GTID], etc.).
- F. A listing of staff positions authorized to access special education student records will be posted conspicuously in the area where the records are maintained using the Persons Having Access to Student Special Education Records Form (Attachment C). The Records Coordinator will ensure that all areas containing confidential records will have a list of authorized personnel (positions) approved for entry (Confidential Records Access Form, DJJ 5.1, Attachment-I) on the door or affixed to the file cabinet containing the records. The door to the records or the cabinet containing the records must have an independent locking system. The access form can be modified to fit specific work sites wherein multiple functions are handled by different employees.
 1. Staff positions to be listed include:
 - a) Facility Director;
 - b) Regional Principal;
 - c) Special education and regular education teachers;
 - d) Instructors;

Chapter	Subject	Policy #	Page
RECORDS MANAGEMENT	EDUCATION RECORDS	5.4	3 of 6

- e) Counselors;
 - f) Behavioral health staff; and
 - g) Other staff positions that require access to special education student information to carry out their routine responsibilities.
2. DJJ schools will maintain special education records in a locked file cabinet in an area that can be monitored for confidentiality. Special education records will not be kept in the special education teacher's classroom; however, a copy of the student's Individualized Education Program (IEP) may be kept in the special education teacher's classroom.
 3. Each special education record will include a Record Access Log (Attachment D) for persons to sign who are approved to review the record but are not listed on the Persons Having Access to Confidential Student Education Records form (e.g., state/federal monitors, Central Office personnel, etc.). Persons whose name/position is posted on the records notice form will not be required to sign this form.
- G. Regular education records and special education records will be maintained separately. In secure facilities all education records will be maintained separately from the youth's case record.
- H. When a student enters a DJJ school for the first time, the DJJ School will request the student's records from the previous school system within 72 hours of the youth's admission, excluding weekends and holidays.
1. The requesting DJJ School will track the status of the record request and any missing records that have not been received.
 2. If records are not received within 5 business days of the initial request, a second request will be sent. If records are not received within 5 business days of the second request, assistance in obtaining the records will be requested from the Educational Administrator.
 3. Education staff will document all requests for records and follow-up on the youth's Contact Log (Attachment E), including the individual contacted and preliminary information received that supports placement.
 4. FERPA (Federal Education Rights and Privacy Act) provides parents and students over 18 years of age specific rights concerning their files (Attachment F).
- I. Request for student records will be completed within 5 business days.

Chapter	Subject	Policy #	Page
RECORDS MANAGEMENT	EDUCATION RECORDS	5.4	4 of 6

- J. The Regional Principal/School Principal will establish procedures that afford parents/guardians of students the opportunity to inspect all education records.
1. Parent/guardian consent will not be required to request, receive, or transmit records between DJJ schools or local public school systems, according to FERPA (Federal Education Rights and Privacy Act).
 2. Parents/guardians of students with a disability have certain rights regarding records that are outlined and protected by state or federal law. (See Attachment G, Statement of Parental Rights).
- K. Disclosure of Education Records:
1. Parents/guardians must be informed when records are disclosed to a third party, excluding other Educational Agencies using the Notice of Release of Confidential Student Information Form (Attachment H). A copy of the Notice of Release of Confidential Student Information Form will be maintained in the student's record.
 2. Education Records may be disclosed for research and statistical analysis in accordance to DJJ 1.9, Research.
 3. Consent will not be required to release confidential student records in the following circumstances:
 - a) To the parent/guardian or eligible student who is 18 years of age or older, unless the release has been prohibited by court order;
 - b) To the Community Case Manager;
 - c) To other school officials when access has legitimate educational purposes;
 - d) In connection with a student's application for or receipt of financial aid and the information is necessary to determine eligibility, determine the amount and/or conditions of the aid, or enforce the terms and conditions of the aid;
 - e) To an organization authorized by DJJ to conduct a study to develop, validate, or administer predictive tests, to administer student aid, or to improve instruction. Such release will be available only to those conducting the study with all personally identifiable data destroyed when no longer used for the purpose of the study;
 - f) To accreditation agencies to carry out their accrediting functions;

Chapter	Subject	Policy #	Page
RECORDS MANAGEMENT	EDUCATION RECORDS	5.4	5 of 6

- g) To comply with a judicial order or lawfully issued subpoena, with a reasonable effort to notify the parent/guardian or student (if over the age of 18) before the disclosure (The Office of Legal Services will determine what records can be disclosed pursuant to law.);
- h) In any legal action against or on behalf of the parent/guardian, student, or an educational agency (The Office of Legal Services will determine what records can be disclosed pursuant to law.);
- i) In a health or safety emergency;
- j) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, and the disclosure only includes disciplinary proceedings with respect to that alleged crime or offense (regardless of guilt) (The Office of Legal Services will determine what records can be disclosed pursuant to law.);
- k) The information is designated as “directory information”;
- l) To authorized state/federal representatives of the Comptroller General of the United States, Attorney General of the United States, Secretary of the Department of Education, or state and local educational authorities (The Office of Legal Services will determine what records can be disclosed pursuant to law.);
- m) To other juvenile justice agencies in order for that student to be effectively served; or
- n) To officials of other schools or other systems in which the student seeks or is eligible to enroll, upon the condition that the student’s parent/guardian is notified of the transfer of the records, receives a copy of the record if desired, and has an opportunity to a hearing to challenge the content of the record.

4. All requests for disclosure of education records will be documented on the Contact Log.

L. Requests to Amend an Education Record:

- 1. Parents/guardians of students may request an amendment to their child’s records per the rights afforded under FERPA (Attachment F).
- 2. A parent/guardian must submit the request to amend a student’s education record in writing to the Regional Principal/Principal. DJJ will decide if the

Chapter	Subject	Policy #	Page
RECORDS MANAGEMENT	EDUCATION RECORDS	5.4	6 of 6

record will be amended and respond to the parent/guardian's request within 30 calendar days.

IV. LOCAL OPERATING PROCEDURES REQUIRED: YES