

Chalkboard



An Education Newsletter from the Attorneys of Rosenstein, Fist & Ringold

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Best Practices for School Districts Regarding Student Data

by Staci L. Roberds

School districts face a myriad of issues involving the collection, disclosure, and privacy of student data, which requires compliance with the Family Educational Rights & Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and the Protection of Pupil Rights Amendment ("PPRA"), 20 U.S.C. § 1232h. Although school districts must provide certain notifications to parents and students as mandated under FERPA and PPRA, the United States Department of Education has established the Privacy Technical Assistance Center (the "PTAC") to assist school districts, parents, and students with questions about student data.

The PTAC stresses the importance of communication

by school districts to students and parents of a district's policies and procedures with respect to issues involving student data collection, data disclosure, and student privacy. The PTAC has established a list of best practices for school districts to follow to promote greater transparency of such policies and procedures. These PTAC recommendations are for guidance only and are not requirements mandated under FERPA or PPRA.

Specifically, the PTAC recommends that school districts provide parents with the following information pertaining to a school district's student data process: (1) identify the information the school district collects about students (e.g., develop and publish a data

Annual Policy Advisory

RFR's annual policy advisory summarizes all the changes your district should consider when revising policies this summer. It has been circulated to all clients on the firm's legislative / policy email list, but if you did not receive a copy please email Michelle (msiegfried@rflaw.com) to request one.

inventory list of the information collected about students); (2) explain why the school district collects the student information (e.g., whether state or federal law required the collection, if it was collected for educational services or to improve instruction); (3) explain how the school district maintains and protects student information (e.g., identify and explain the school district's information technology policies regarding security and data protection, policies regarding access and use of a student's personal identifying information, and policies regarding the school district's retention of collected student data); (4) state whether the school district shares any personal student information with third parties, and if so, with whom and for what purpose (e.g., post district contracts online that require the disclosure of student information, post research findings if student information has been shared with external researchers under FERPA exceptions and identify any policy changes as a result of such findings); and (5) provide specific information to parents about whom to contact with questions about a school district's practices regarding student information (e.g., prominently display contact information on a website or otherwise).

In addition to these best practice recommendations, school districts should explore the PTAC website,

<http://ptac.ed.gov>, for additional guidance on training, frequently asked questions, and other helpful information and documentation related to the privacy and the security of student data. School districts may also consult the Family Policy Compliance Office, www.ed.gov/fpco, for information about the legal requirements under FERPA and PPRA. If questions remain, don't hesitate to contact your school district attorney.

Avoid Boilerplate Transition Services in IEPs

by Cheryl A. Dixon

It is important that every student's IEP contains individualized postsecondary goals based on the particular student's needs. Under the Individuals with Disabilities Education Act (IDEA), its implementing regulations, and Oklahoma policy, the IEP for each student with a disability must include annual secondary transition services that are in effect no later than the beginning of the student's ninth grade year or upon turning 16 years of age, whichever comes first, or younger if determined appropriate by the IEP Team. The IEP must include (1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related

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Reminder

If your district is making changes within the administrative team, don't forget to update your Chalkboard and legislation preferences. There is no charge to include as many board members and administrative employees as the district would like. You can get a list of the administrators currently on your district's list or make changes by contacting Michelle (msiegfried@rflaw.com).

to training, education, employment and, where appropriate, independent living skills; and (2) the transitions services needed to assist the student in reaching those goals.

Recently the Iowa Department of Education found that a school district failed to provide appropriate postsecondary transition goals and services to students with disabilities that were enrolled in a residential school for teens. The Department found the district included identical, boilerplate language in each student's IEP rather than addressing every student's individual needs. The Iowa Department of Education explained that a school district must use the information in each student's transition assessments to identify the appropriate

postsecondary areas of expectations for an individual student. Furthermore, a student's IEP must contain appropriate goals and services for each area of a student's postsecondary expectations. The Department noted that unless a student's assessments clearly indicate that there is no need for services in a particular area, school districts must draft goals for each area. The Department concluded that inadequate transition services equals inadequate special education and ordered the school district to provide corrective action and provide compensatory services for every student enrolled in the residential facility for more than 30 days at the time the corrective action was taken. If you have any questions about Secondary Transition please contact your school district's attorney.

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Chalkboard is a Rosenstein, Fist & Ringold publication that addresses current education law issues. *Chalkboard* is published monthly through the school year and is sent without charge to all education clients of Rosenstein, Fist & Ringold and all other persons who are interested in education law issues. We invite you to share *Chalkboard* with your friends and colleagues. We think you will find *Chalkboard* to be informative and helpful with the difficult task of operating our educational institutions.

Chalkboard is designed to provide current and accurate information regarding current education law issues. *Chalkboard* is not intended to provide legal or other professional advice to its readers. If legal advice or assistance is required, the services of a competent attorney familiar with education law issues should be sought.

We welcome your comments, criticisms and suggestions. Correspondence should be directed to: Rosenstein, Fist & Ringold, 525 South Main, Seventh Floor, Tulsa, Oklahoma 74103-4508, or call (918) 585-9211 or 1-800-767-5291. Our FAX number is (918) 583-5617. Help us make *Chalkboard* an asset to you.

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