



PUBLIC NOTIFICATION OF DESTRUCTION OF SPECIAL EDUCATION STUDENT RECORDS **Attention Former Students, Eligible (Adult) Students, Parents/Guardians:**

Individual Special Education Records which have been collected by the Neah-Kah-Nie School District related to the identification, evaluation, educational placement, or the provision of Special Education in the district, must be maintained under state and federal law for the period of five years after special education services have ended for the student.

Special education services end for a student when they are **no longer eligible for services, graduates, completes their educational program at age 22 or moved from the district.** The records are no longer useful to the District, but may be useful to the student or parent(s)/guardian(s) for social security benefits, rehabilitation services, college entrance, etc.

This notification is to inform parents/guardians and former students of the district's intent to destroy the Special Education records of students whose special education services **ended**. These records will be destroyed in accordance with state law unless the eligible student (adult) or parent/guardian notifies the school district otherwise.

ELIGIBLE RECORDS: Students age 27 or older (born prior to 1996) AND Students who moved prior to 2017.

The eligible student (adult) or parent(s)/guardian(s) may request a copy of the records in writing or in person prior to **September 30, 2023**, at the following address:

Neah-Kah-Nie School District, Special Education Department, P.O. Box 28, Rockaway Beach, OR 97136

Please note that records will not be mailed but must be picked up in person using [NKN Records Request Form](#). To ensure confidentiality, persons receiving the records will be required to present identification and sign a document indicating receipt of the records.

If you wish to maintain this information for your personal records and for any questions or more information, please contact Karen Wheeler, Special Education Secretary, 503-355-3516

The District keeps confidential any record maintained on a child with a disability, protecting the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages according to the following laws, rules and policies (full language within each link).

[OREGON ARCHIVE RULES 166-400-0060](#)

(28) Special Education Student Records Records document students participating in special education programs and early intervention special education services. Records may include speech/hearing, academic, motor, occupational and/or physical therapy, vision/hearing, interdisciplinary team, and classroom observation reports; records relating to student behavior including psychological and social work reports; assessments obtained through other agencies; contact sheets; severity rating scales; test result records; physician's statements; parental consent records; educational program meeting records; request for hearing records; eligibility statements; individualized education plans (IEP); individualized family service plans (IFSP); and related correspondence and documentation. **Minimum retention: (a) Records documenting speech pathology and physical therapy services: Until student reaches age 21 or 5 years after last seen, whichever is longer (b) ESD copies, if program at district level: Transfer records to home district after end of student participation (c) Readable photocopies of records necessary to document compliance with State and Federal audits retained by the former educational agency or institution when a student transfers out of district: 5 years after end of school year in which original record was created.**

[NKN SCHOOL DISTRICT POLICY JO/IGBAB-AR](#) - Education Records/Records of Students with Disabilities

[OREGON DEPARTMENT OF EDUCATION POLICIES AND PROCEDURES, SECTION 8](#)

II. Destruction of Information

- The District sends written notice to inform parents or adult students when personally identifiable information collected, maintained, or used by the District is no longer needed to provide educational services to the student. This notice requirement applies only to information that would otherwise be retained under the State Archives Rules.
- The determination as to whether personally identifiable information is needed to provide educational services to a student is made by the District after careful review of the information and with the concurrence of the student's current teacher or teachers, if the student is currently enrolled in the District.
- The written notice sent to the parent or adult student describes the personally identifiable information that the District intends to destroy and informs the parents that the information will be destroyed no earlier than 60 days from the date of the notice. The notice also outlines the procedure which the parent or adult student may follow if they wish to formally object to the destruction of the records in question.
- Upon request of the parent or adult student, the District will destroy such personally identifiable information provided that the District may maintain a permanent record without time limitation of the student's name, address and phone number, grades, attendance records, classes attended, grade level completed, and year completed.
- The District will not destroy any education records if there is an outstanding request to inspect and review the records.