

# *Tips from the Special Education*

## *Division:*

***June 2024***

### **Gearing up for August: Start Planning for the Exchange of Student Records**

As the school year begins to close, please start planning for the “August Records Exchange” as your district (1) enrolls new transfer students from other districts and (2) receives records requests for students transferring out of your school district into another school district, including public charter schools. In order to facilitate the transition for an in-state or out-of-state transfer student, [WAC 392-172A-03105 When IEPs Must Be In Effect](#) requires that the new school in which the student enrolls (or plans to enroll) must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the school district in which the student was previously enrolled. This request for student records must be made pursuant to RCW [28A.225.330](#) and consistent with applicable Family Education Rights and Privacy Act (FERPA) requirements. The previous school district is required to **transmit student records within two days after receiving the request, or ten days after receiving the request if the student is from a military family in transition.**

As a reminder:

- RCW 28A.225.330 requires that when a school district requests the educational records of a student who has enrolled or intends to enroll in another school district, the information must be transmitted within two days after receiving the request and the records shall be sent as soon as possible.
- Records for a student from a [military family in transition](#) are to be sent within ten days after receiving the request.
- The enrolling school district shall request that the previous school district send the student's permanent records including records of disciplinary action, history of violent behavior, attendance, immunization records, and academic performance.
- Parental consent for the release of records is not required when the request is made because the student has enrolled or intends to enroll in another public school district, including public charter school.
- If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the student's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the school district where the private school is located and officials in the school district of the student's residence, unless the parent is part-time enrolling the student in the



resident district pursuant to chapter [392-134 WAC](#) ([WAC 392-172A-05225 Consent for release of records.](#))

- If the student has an outstanding fee or fine, the previous school district is still required to provide the student's academic, special placement, immunization history, and discipline records within two business days, but the official transcript can be withheld until the fee or fine is resolved. The previous school district is to notify the enrolling school that the transcript is being withheld due to an outstanding fee or fine.

Given the number of requests for records that your district makes or that come into your district in August and given the two-day timeline to transmit education records to a new district, some things to consider when planning for this increased workload include:

- Who will receive the requests for records for students transferring out of the district and who/how will the request be processed within two business days?
- Who will generate the request for records to a previous school district for students transferring into the district?
- What training do (a) school building staff and (b) district office staff need in order for the special education department to meet the two-day timeline?
- What is the plan if the individual appointed as the Confidentiality Designee is needed to assist with a student records decision? Backup plan if the Confidentiality Designee is unavailable.

If the district is not receiving a requested student record, consider in order:

- Training school staff to contact the prior school district via telephone or other direct method.
- Training school staff to notify the Special Education Director (or other district administrator charged as the custodian of special education records) so the Director can contact the previous district's Director about the need for the records.
- Notifying the Assistant Superintendent or Superintendent in order for contact to be made with the previous school district's Assistant Superintendent or Superintendent.
- Requesting assistance from the special education office at the ESD.
- Contacting the Special Education Division at OSPI.