



Oregon Department of Education

Kate Brown, Governor

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TO: Juvenile Detention Education Program (JDEP) Contractors, JDEP Teachers, and JDEP Registrars.

FROM: Mitch Kruska, Director of Educational Programs *mk*

Subject: Records Request for JDEP Sites

Date: November 7, 2016

Due to the transiency of the youth that the JD EP sites serve, it is recognized that the record keeping and clerical burden is a hard ship. The burden nee ds to be balanced with the educational benefit that the youth will experience within the JDEP programs. It is essential to have the records to adequately develop an educational program for each individual youth. Below are procedures Lo be implemented. The procedures are compliant with ORS 336.585 and ORS 326.575 (below). If you have any questions, please feel free to contact Sam Ko @ 503-947-5745.

A. Less than 30 days

For youth that the Juvenile Department has indicated will be present in the JDEP program for less than 30 days:

1. As mandated by ORS 336.585(4)(a), notify the previous educational institution to remove the youth from their census for the duration that the youth is present at the JDEP site, this must be done for proper ADM reporting.
 - a. Once the youth has been released from the J DEP site, notify the previous educational institutional.
2. Request current copies of relevant and necessary educational records including transcripts, IEPs, and 504 plans from the previous educational institution.
3. At a minimum it is imperative that the Individual Education Plans (TEPs) for any students identified as eligible for special education services be obtained within 24 hours after the student has been enrolled in a JDEP program, this is best done by contacting the previous case manager directly and asking for a foxed copy of the JEP.

B. 30 days and over

For youth that the Juvenile Department has indicated will be present in the JD EP program for over 30 days:

1. As mandated by ORS 336.585(4)(a), notify the previous educational insliti11io n 10 remove the youth from their census for the duration that the youth is present at the JDEP site , this must be done for proper ADM reporting.
 - a. Once the youth has been released from the JDEP site, notify the previous educational institutional
2. Request the educational records (transcripts, IEPs, 504 plans, and other relevant records), not copies, from the previous educational institution.

Applicable Oregon Revised Statutes

336.585 Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district. (I) As used in this section:

(a) "Juvenile Detention Education Program" means the program defined in ORS 326.695.

(b) "Resident district" means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child's enrollment in the Juvenile Detention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Implement an assessment system as provided by ORS 329.485 (3).

(b) Administer a nationally normed assessment as provided by ORS 329.488.

(c) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district's census;

(b) Facilitating transfers of the child's educational records; and

(c) Facilitating planning for the child's possible return to the resident district. [Formerly 339.205; 2001 c.681 §8; 2011 c.315 §1 2013 c.1 §31; 2013 c.747 §41]

326.565 Standards for student records; rules. (I) The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records held by a school district or another public or private educational entity that provides educational services to students in any grade from kindergarten through grade 12. Consistent with the requirements of applicable state and federal law, the standards:

(a) Shall include requirements under which a school district or other educational entity will transfer student education records pursuant to ORS 326.575.

(b) May be applied differently to persons 18 years of age or older.

(2) The board shall distribute the rules that are adopted under subsection (I) of this section to all school districts and shall make the rules available on the website of the Department of Education.

(3) School districts shall make the rules received under subsection (2) of this section available to the public schools in the district and to the public. [1993 c.806 §3 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 § 1; 2015 c.519 § 1]

326.575 Records when student transfers or is placed elsewhere; notice to parents; amendments to records; rules. (1) Within 10 days of a student's seeking initial enrollment in a public or private school or when a student is placed in a state institution, other than an institution of post-secondary education, or a day treatment program, residential treatment program, detention facility or youth care center, the school, institution, program, facility or center shall notify the public or private school or the institution, program, facility or center in which the student was formerly enrolled and shall request the student's education records.

(2) Any public or private school, state institution, day treatment program, residential treatment program, detention facility or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, program, facility or center no later than 10 days after the receipt of the request. The education records shall include any education records relating to the particular student retained by an education service district.

(3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:

(a) A school, institution, program, facility or center shall notify the school, institution, program, facility or center in which the student was formerly enrolled and shall request the student's education records within five days of the student seeking initial enrollment; and

(b) Any school, institution, program, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, program, facility or center no later than five days after the receipt of the request.

(4) Each educational institution that has custody of the student's education records shall annually notify parents and eligible students of their right to review and propose amendments to the records. The State Board of Education shall specify by rule the procedure for reviewing and proposing amendments to a student's education records. If a parent's or eligible student's proposed amendments to a student's education records are rejected by the educational institution, the parent or eligible student shall receive a hearing on the matter. The State Board of Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

(a) "Day treatment program" means a program described in ORS 343.961.

(b) "Detention facility" has the meaning given that term in ORS 41 9A.004.

(c) "Educational institution" means a public or private school, education service district, state institution, day treatment program, residential treatment program or youth care center.

(d) "Residential treatment program" means a program described in ORS 343.961.

(e) "Substitute care program" has the meaning given that term in ORS 339.133.

(f) "Youth care center" means a center as defined in ORS 420.855. [1993 c.806 §4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §2; 2001 c.681 §1; 2005c.521 §3; 2011 c.313 §2; 2011 c.701 §4]