

STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to repeal the following Department rule:

Resident Educational Records

This rule is proposed for repeal because its content is being added to an amended and fully integrated rule covering all educational services at the RI Training School. The amended rule, Education Program at the Rhode Island Training School (formerly named Administration of the Education Program at the Rhode Island Training School) combines previously separate policies into one comprehensive regulation for greater ease of use by staff and the general public. In the repeal of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This repealed rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by **February 9, 2015** to Susan Bowler, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (susan.bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, or by an agency or an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth, and Families does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the agencies, organizations and institutions the Department licenses.

POSTED: 1/5/15

Resident Educational Records

Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: Training School

Policy: 1200.1730

Effective Date: June 14, 2004 — Revised Date: September 1, 2010 Version: 2

~~The Principal is responsible for the collection and maintenance of student records. The Director of Special Education is responsible for collection and maintenance of Special Education records.~~

~~The federal Family Educational Rights and Privacy Act of 1974 affords residents certain rights concerning their educational records. Residents and/or their parents or legal guardians have some control over the disclosure of information from the records. Educational institutions, such as the Rhode Island Training School Education Program, have the responsibility to prevent improper disclosure of personally identifiable information from the records. Rhode Island General Law (RIGL), Title 16 establishes guidelines for access to and disclosure of these records. The Education Program complies with federal and state law relating to access and disclosure of these records.~~

Related Procedures

[Resident Educational Records](#)

Resident Educational Records

Procedure from Policy 1200.1730: Resident Educational Records

~~A. Parents, guardians and eligible residents have the following rights:~~

~~1. The right to personally inspect and review records in existence at the time of the request.~~

~~a. The request will be made to the Principal or designee.~~

~~b. The records must be made available within ten (10) days.~~

~~2. The right to a reasonable explanation and interpretation of the records.~~

~~3. The right to copies of the records. The cost per copied page of written records will not exceed fifteen cents (\$.15) per page for records copied on common business or legal size paper. No fee will be assessed to search for or to retrieve the records.~~

~~4. The right to have the records preserved as long as a request to inspect is outstanding.~~

~~5. The right to request an amendment and/or record expunging if the parent or eligible resident believes that the information contained in these records is inaccurate, misleading or in violation of the resident's right to privacy. This request will be made in writing to the designated records keeper.~~

~~6. The right to place a statement in the record commenting on contested information.~~

~~B. Any person aggrieved has the right to appeal according to the provisions of RIGL, Chapter 39 of Title 16.~~

~~C. The record is the means by which multiple providers communicate a chronology of educational services. Therefore, staff must document records clearly, accurately and effectively throughout the duration of the resident's stay at the RITS.~~

~~D. Confidentiality~~

~~1. When working with a record, employees take precautions to protect resident confidentiality.~~

~~2. Records are secured in closed drawers or briefcases where they are not exposed to plain view.~~

~~3. Paperwork that is not filed is secured until it is submitted for filing.~~

~~E. Employees make sure that all required information (including signatures and dates) is completed on all documents before submission.~~

~~F. Paragraphs A – E are consistent with Correctional Education Association Standards 40-42 as well as American Correctional Association Standards 3-JDF-1E-01 and 3-JTS-1E-01.~~