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DEPARTMENT OF EDUCATION
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JENNIFER M. GRANHOLM
GOVERNOR

THOMAS D. WATKINS, JR.
SUPERINTENDENT OF PUBLIC INSTRUCTION

TO: LEA and ISD Superintendents, Public School Academy Authorizers and Directors

FROM: Jeremy M. Hughes, Ph.D.
Chief Academic Officer/Deputy Superintendent

DATE: April 6, 2004

SUBJ: STUDENT DISCIPLINARY RECORDS

Title IV, Part A, Subpart 4, Section 4155 of the No Child Left Behind Act ("Transfer of School Disciplinary Records") requires that:

> *…the State has a procedure in place to facilitate the transfer of disciplinary records., with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.*

The transfer of student records in Michigan is governed by Revised School Code Section 1135 (MCL 380.1135) which requires that:

> *Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134 (Section 1134 deals with records of missing students).*

In the view of the Michigan Department of Education, the "school record" referred to in section 1135 includes a student's disciplinary record, including any suspension or expulsion action against the student.

To ensure compliance with NCLB, it is hereby directed that school districts and public school academies must put in place procedures to transfer the disciplinary records of students, with respect to suspensions and expulsions, to any private or public school to which a student is

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transferring and in which they are enrolling. These procedures should be reflected in the district's or academy's student records policies and made known to parents in the annual notification about rights under the Family Educational Rights and Privacy Act. (See 34 CFR § 99.31 (a) (2) and § 99.34).

Note that private schools are not subject to these requirements. Public schools, however, are required to provide for the transfer of a student's disciplinary records if the student is enrolling in either a public or private school.