



State of Arizona  
Department of Education

Tom Horne  
Superintendent of  
Public Instruction

January 8, 2004

TO: Arizona School Districts and Charter Schools

FROM: Vicki Salazar  
Associate Superintendent of Finance

SUBJECT: Transfer of Disciplinary Records

In accordance with Title IV, Part A, Subpart IV, Section 4155 of the Elementary and Secondary Education Act of 1965 as reauthorized by the No Child Left Behind Act of 2001 the following goes into effect immediately:

**Student disciplinary records, with respect to suspension and expulsion, shall be transferred when a student seeks, intends to enroll, or enrolls in another public or private school.**

The transfer of disciplinary records policy pursuant to this requirement, must be consistent with the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. 1232). FERPA **does** allow for a school to disclose education records without parental consent when a student is seeking or intending to enroll in another school (See 34 CFR # 99.31 (a)(2) and 99.34.

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

Violation of this provision will make you ineligible for funding under the No Child Left Behind Act.

If you should have any questions in regards to the provision of the transfer of student disciplinary records, please contact Jean Ajamie at 542-8734.

FERPA questions should be referred to the Family Policy Compliance Office at (202) 260-3887 or you may email them at [FERPA@ED.Gov](mailto:FERPA@ED.Gov)