

# Sylvan Heights Science Charter School

No.

SECTION: SPECIAL EDUCATION

TITLE: STUDENT EDUCATIONAL  
RECORDS CONFIDENTIALITY-  
STUDENTS WITH DISABILITIES

ADOPTED: 4/29/2006

REVISED:

<p><b>1. Authority</b></p> <p>20 U.S.C. §1232(g) 34 C.F.R. 99 Title 22 452, 12.31 34 C.F.R. 300.560- .577</p> <p><b>2. Definitions</b></p>	<p>Sylvan Heights Science Charter School (SHSCS) recognizes the need to protect the confidentiality of personally identifiable information in the education records of eligible children. The policy has been prepared to ensure the privacy rights of both the parents/guardians and the eligible child in the collection, maintenance, release, and destruction of these records. This policy incorporates provisions from the Regulations of the State Board of Education on Pupil Records (PA Code 22, Ch. 12), the Family Educational Rights and Privacy Act (“FERPA”), the Confidentiality Section of the Individuals with Disabilities Education Act 2004,</p> <p>Information in this policy will be reviewed and updated as necessary.</p> <p><b>Destruction</b> - means physical destruction or permanent expungement of personally identifying data from a student's education records so the information in those records is no longer personally identifiable.</p> <p><b>Directory information</b> - includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, email addresses, photographs, grade level, honors, and other similar information.</p> <p><b>Education record/records</b> - means those records which are directly related to a student with disabilities, and are maintained by SHSCS. This includes records for a student who is currently or who in the past received special education and related services from SHSCS. Records include permission to evaluate, evaluation reports, individual education plan, notice of recommended educational placement, progress reports, etc. Personal notes of instructional, supervisor, or administrative personnel are not considered to be part of education records.</p> <p>A <b>legitimate educational interest</b> for an authorized school official means that this official will have administrative, supervisory, or instructional duties with regard to the student's educational program.</p> <p><b>Personally identifiable</b> - includes data or information that identifies the student or family members by name, by address, by information such as telephone or social security numbers, or by a list of characteristics or other information that</p>
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<p><b>3. Guidelines</b></p>	<p>could make the student's identity easily traceable.</p> <p><b>Release</b> - the giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student's education records which includes in it personally identifiable information; the term also means release to any person by any means.</p> <p><b>Student</b> - means a student with disabilities with respect to whom SHSCS maintains education records.</p> <p><b>Parent</b> - includes a parent, guardian, or a surrogate parent who acts as a parent in the absence of a parent or guardian. Unless there is a court order which provides to the contrary, the SHSCS may presume that the parent has the authority to exercise the rights inherent in the Family Educational Rights and Privacy Act.</p> <p><b>Authorized school official</b> - means an administrator, supervisor, or instructor who has a legitimate educational interest (as defined by SHSCS) in the student's education records.</p> <p><u>Educational Records - Locations</u> An education record shall be maintained for each child receiving special education services from the school at the following locations:</p> <ol style="list-style-type: none"><li>1. A special education file shall be maintained at the Learning Support Room at SHSCS. This file shall be considered the complete special education file.</li><li>2. A permanent record shall be maintained for each current child and stored in the Administrative Assistant's Office.</li><li>3. A health record for each currently enrolled student will be kept in a locked cabinet in the Health Suite.</li><li>4. A copy of the special education file, permanent file, and health file will be stored in the Records Room for students who are no longer enrolled in SHSCS.</li></ol> <p><u>Transferring Files to Other Districts</u></p> <p>If a school district in which the student is enrolled or seeks to be enrolled requests that the SHSCS release information from the record of the student, the SHSCS shall comply with the request within seven (7) days of its receipt. When files are transferred to other schools, the file will be sent to the requesting district after a copy is made and stored in SHSCS's Records Room.</p> <p><u>Student Access Rights</u></p> <p>When a student is eighteen (18) years of age or attending a postsecondary education institution, the rights accorded to and consent required of a student's parent/guardian by law will only be accorded to and required of the student.</p>
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Parental Access Rights

A parent/guardian, eligible student, or designated representative shall have access to the student's educational records within forty-five (45) days of receipt of written request in order to inspect, review or copy educational records. SHSCS may charge a fee for copying educational records for parents/guardians.

A parent/guardian also has the right to request and receive the following:

1. An explanation or interpretation of information in the student's education records.
2. A copy of all or part of the student's education record if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review. If copies are to be released to anyone other than the parent/guardian, the Consent to Release Information form must be completed by the parent/guardian.
3. A list of the types and location of the student's education record collected, maintained, or utilized by the LEA.

Access Record

SHSCS will maintain a record indicating the names of those persons who have obtained access, the date of access, and the purpose of access.

Administrators, teachers, instructional aides and the administrative assistant are authorized to have access to personally identifiable information.

Notice/Role of Special Education Teacher

The Special Education teacher shall be responsible for ensuring that the education records, confidentiality rules, and this education records policy for the student with disability are enforced and administered. This official will:

1. Annually notify parents/guardians and eligible students of this policy, its procedures, and their rights. The notification shall be in their primary language unless it is not feasible to do so.
2. Be responsible for ensuring that all SHSCS faculty and subcontracted agency employees, who collect or use personally identifiable information, receive inservice regarding the implementation of this policy. Inservice shall consist of providing an annual presentation of the information to staff and subcontractors and a copy and explanation of this policy to new employees and subcontractors.

Destruction

SHSCS will not destroy any part of an education record or personally

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identifiable information necessary for the education of a student who is enrolled or has been enrolled in SHSCS.

Release Of Information

In order to protect the rights of the student and his/her parents/guardians, SHSCS shall obtain the written consent of the student's parent/guardian or the eligible student prior to disclosing personally identifiable information from the education records of a student, other than directory information, except when prior consent for disclosure is not required by law. Consent shall be obtained using the Consent to Release Information form.

Prior consent for release of such information is not required when disclosure is:

1. To authorized school officials or subcontracted agencies have a legitimate educational interest.
2. To officials of another school or school system in which the student is enrolled or intends to enroll; records will not be released without notifying the parents/guardians.
3. To authorized representatives of the Comptroller General of the United States, the Secretary, or state and local educational agencies.
4. To state and local officials or authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities.
5. To comply with a judicial order or lawfully issued subpoena, provided SHSCS makes a reasonable effort to notify the parent/guardian of the student or the eligible student of the order or subpoena in advance of compliance.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions provided such organizations have received approval from SHSCS Board of Directors.
7. To a parent/guardian of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. In connection with a health or safety emergency, only if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Written consent will be obtained prior to release of personally identifiable information to any party not mentioned above. Prior to requesting consent, SHSCS will provide the parent/guardian or eligible student in writing with the following:

1. A general description of the information or record to be released.

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2. The form of the release.
3. The reason the release was requested.
4. The party or agency to whom the information will be released.

Parental Request For the Amendment Of Records

A parent/guardian has the right to request that SHSCS amend information contained in education records collected, maintained, or used by SHSCS if s/he believes it to be inaccurate, misleading, or in violation of the privacy or other rights of the student with disabilities.

Subsequent to a request for an amendment, SHSCS shall decide whether to amend the disputed information within forty-five (45) calendar days after the receipt of the request to amend.

If SHSCS agrees to amend the disputed information, the parent/guardian or student with disabilities shall be notified in writing.

If SHSCS decides not to amend the education record in accordance with the request of the parent/guardian, SHSCS shall inform the parent/guardian in writing of the refusal, the reason(s) for the refusal, and shall provide further notifications of their right to request and receive a records review hearing.

The following procedure will be followed when the hearing is requested by the parent/guardian:

1. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after SHSCS receives the request of a hearing from the parent/guardian.
2. SHSCS shall give written notification to the parent/guardian of the date, place, and time of the hearing not later than five (5) days in advance of the hearing.
3. The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the specific information and reason(s) for requesting that information be amended, and may be represented at his/her own expense by an individual of his/her choice, including legal counsel.
4. The hearing officer shall render a written decision within thirty (30) days of the conclusion of the hearing. This decision shall be based solely on evidence presented at the hearing and include a summary of the evidence and reasons for the decision.
5. If the decision rendered is to amend the education record(s), SHSCS will inform the parent/guardian of this in writing.

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|  | <p>6. If the decision rendered is not to amend the education records, SHSCS shall inform the parent/guardian in writing of his/her right to place in the educational records of the student a statement commenting upon the information in the educational records and/or setting forth any reason for disagreeing with the decision of SHSCS.</p> <ul style="list-style-type: none"><li>a. This response shall be maintained by SHSCS as part of the educational records of the student as long as the record or contended portion thereof is maintained by SHSCS.</li><li>b. If the educational records of the student or the contested portion thereof are disclosed to any party, the explanation shall also be disclosed to that party.</li></ul> |
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