



**NORTH ALLEGHENY
SCHOOL DISTRICT**

SECTION:	PROGRAMS
TITLE:	CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION
ADOPTED:	5/25/16
REVISED:	

113.4 - CONFIDENTIALITY OF SPECIAL EDUCATION

Section 1. Authority

- a. The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.
- b. The District shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing, and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.
- c. The rights provided by this policy apply to parent(s)/guardian(s) of students who receive special education programming and services from the District or an outside program provided through the District.

Section 2. Definitions

- a. The following words and terms, when used in this policy, shall have the following meanings, unless the context indicates otherwise.

Destruction - shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Disclosure - shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education Records - for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

20 U.S.C.
Sec. 1232g
Pol. 113

34 CFR
Sec. 300.611 - 300.627

34 CFR
Sec. 300.520, 300.625

34 CFR
Sec. 300.611

34 CFR
Sec. 99.3

20 U.S.C.
Sec. 1232g
34 CFR
Sec. 99.3
Pol. 216

<p>34 CFR Sec. 99.3, 300.32</p>	<p>Personally Identifiable Information includes, but is not limited to:</p> <ol style="list-style-type: none"> 1. The name of a student, the student's parent(s)/guardian(s), or other family members. 2. The address of the student or student's family. 3. A personal identifier, such as the student's social security number, student number, or biometric record. 4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name. 5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. 6. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates. <p>b. <u>Student Records Plan</u></p>
<p>Pol. 216</p>	<p>The Board shall adopt a plan for the collection, maintenance, disclosure, and subsequent destruction of student records. The plan shall be updated or revised as necessary. Any updated or revised plan shall be submitted to the Pennsylvania Department of Education as requested or required.</p> <p>Section 3. <u>Guidelines</u></p> <p>a. Parental Access Rights</p>
<p>34 CFR Sec. 99.10, 300.613</p>	<ol style="list-style-type: none"> 1. The District shall permit parent(s)/guardian(s) to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the District in connection with providing special education services to the student. 2. The District shall comply with a parental request to inspect and review education records before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a Free and Appropriate Public Education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.
<p>34 CFR Sec. 99.4, 300.613</p>	<ol style="list-style-type: none"> 3. The District shall presume a parent(s)/guardian(s) has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent(s)/guardian(s) does not have this authority under applicable state law.

<p>34 CFR Sec. 99.10, 300.613</p>	<p>4. The District shall comply with a parental request for review within forty-five (45) days following written receipt of the request.</p> <p>5. A parent(s)/guardian(s) right to inspect and review education records includes the right to:</p> <ul style="list-style-type: none"> • A response from the District to reasonable requests for explanations and interpretations of the records. • Request that the District provide copies of the records if failure to provide copies would effectively prevent the parent(s)/guardian(s) from exercising the right to inspect and review the records. • Have a representative inspect and review the records.
<p>34 CFR Sec. 99.12, 300.615</p>	<p>6. If an education record includes information on more than one (1) student, the parent(s)/guardian(s) shall have access only to the information relating to their child or shall be informed of the information in the record.</p>
<p>34 CFR Sec. 300.616</p>	<p>7. The District shall provide parent(s)/guardian(s), upon request, a list of the types and locations of education records collected, maintained, or used by the District.</p> <p>8. At the discretion of the District, and for verification and recordkeeping purposes only, the District may require the parent(s)/guardian(s) to put in writing the following:</p> <ul style="list-style-type: none"> • A verbal request to inspect, review, or receive copies of education records. • A verbal designation of a representative. • A verbal request for a list of the types and locations of a child's education records collected maintained or utilized by the District.
<p>34 CFR Sec. 99.11, 300.617</p>	<p>b. Fees</p> <p>1. The District shall charge a fee for copies of records not to exceed duplicating costs that are made for parent(s)/guardian(s) so long as the fee does not effectively prevent parent(s)/guardian(s) from exercising their right to inspect and review those records.</p> <p>2. The District shall not charge a fee to search for or to retrieve information in response to a parental request.</p> <p>c. Record of Access</p>

<p>34 CFR Sec. 300.614</p>	<p>The District shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parent(s)/guardian(s) and authorized District employees. The District’s record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.</p>
<p>34 CFR Sec. 99.20, 300.618</p>	<p>d. Amendment of Records upon Parental Request</p> <ol style="list-style-type: none"> 1. If a parent(s)/guardian(s) believes that information in the student’s education records is inaccurate, misleading, or violates the privacy or other rights of the student, the parent(s)/guardian(s) may request that the District amend the information. 2. The District shall decide whether to amend the information within a reasonable period of time from receipt of the request. 3. If the District declines to amend the information in accordance with a parental request, the District shall inform the parent(s)/guardian(s) of the refusal and advise the parent(s)/guardian(s) of the right to a hearing.
<p>34 CFR Sec. 99.21, 300.510 - 300.516, 300.619</p>	<p>e. Records Hearing</p> <p>The District shall, on request, provide parent(s)/guardian(s) with an opportunity for a hearing to challenge information in the student’s education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights. The District recognizes that parent(s)/guardian(s) who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.</p>
<p>34 CFR Sec. 99.22, 300.621</p>	<p>f. Hearing Procedures</p> <p>A hearing to challenge information in education records must meet the following requirements:</p> <ol style="list-style-type: none"> 1. The District shall hold the hearing within a reasonable time after receiving the request for a hearing. 2. The District shall give the parent(s)/guardian(s) reasonable advanced written notice of the date, time, and place of the hearing. 3. The hearing may be conducted by any individual, including a District official, who does not have a direct interest in the outcome of the hearing. 4. The District shall give the parent(s)/guardian(s) a full and fair opportunity to present relevant evidence. The parent(s)/guardian(s) may, at his/her own expense, be assisted or represented by one (1) or more individuals of

<p>34 CFR Sec. 300.623</p> <p>34 CFR Sec. 300.623</p> <p>Pol. 216</p>	<p>his/her choice, including an attorney.</p> <p>5. The District shall inform parent(s)/guardian(s) of its decision in writing within a reasonable period of time after the hearing.</p> <p>6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.</p> <p>g. Result of Hearing</p> <p>1. If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights, the District shall amend the information accordingly and inform the parent(s)/guardian(s) in writing.</p> <p>2. If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights, the District shall inform the parent(s)/guardian(s) of the parent(s)/guardian(s) right to place in the student’s records a statement commenting on the information and/or providing any reasons for disagreeing with the District’s decision.</p> <p>3. Any explanation placed in the student’s records shall be:</p> <ul style="list-style-type: none"> • Maintained by the District as part of the student’s records as long as the record or contested portion is maintained by the District; and • Included with the record or contested portion if the record or contested portion are disclosed to any party <p>h. Storage, Retention, and Destruction of Information</p> <p>1. The District shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.</p> <p>2. The District shall maintain, for public inspection, a current listing of the names and positions of those District employees who have access to personally identifiable information.</p> <p>3. In order to comply with state compliance monitoring requirements, the District shall maintain education records for students receiving special education services for at least six (6) years.</p>
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<p>34 CFR Sec. 300.624</p>	<p>4. The District shall inform parent(s)/guardian(s) when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.</p>
<p>34 CFR Sec. 99.10</p>	<p>5. No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.</p>
<p>34 CFR Sec. 300.624</p>	<p>6. The District may maintain a permanent record of the student’s name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.</p>
<p>34 CFR Sec. 300.623</p>	<p>7. The District shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.</p> <p>i. Disclosure to Third Parties</p>
<p>34 CFR Sec. 99.30, 99.31, 300.622 Pol. 113.1, 113.2, 216</p>	<p>1. The District shall obtain parental consent before disclosing personally identifiable information to parties other than school District officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.</p>
<p>34 CFR Sec. 300.622</p>	<p>2. Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.</p>
<p>34 CFR Sec. 300.622</p>	<p>3. If a student is enrolled, or is going to enroll in a private school that is not located in the District of the parent(s)/guardian(s) residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the District where the private school is located and officials in the District of the parent(s)/guardian(s) residence.</p>
	<p>Section 4. <u>Delegation of Responsibility</u></p>
<p>34 CFR Sec. 300.623</p>	<p>a. In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Superintendent or designee to coordinate the District’s efforts to comply with this policy and applicable laws and regulations.</p>
<p>34 CFR Sec. 300.623</p>	<p>b. All District employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, state and federal law and regulations regarding confidentiality of education records, and personally identifiable information.</p>

References:

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations –
34 CFR Part 99

Individuals With Disabilities Education, Title 34, Code of Federal Regulations –
34 CFR Part 300

Board Policy – 113, 113.1, 113.2, 216