SPECIAL EDUCATION – CONFIDENTIALITY REQUIREMENTS

CONFIDENTIALITY

The District shall keep confidential any personally identifiable data, information and records collected or maintained on a child with a disability, protecting the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

The District designates the Director of Special Education to assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing records and confidentiality of personally identifiable information in accordance with applicable laws and regulations.

The District shall maintain for public inspection a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

The District shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the District or public agency.

NOTICE TO PARENTS

The District shall provide written notice to the parents about the confidentiality provisions per the Notice of Procedural Safeguards.

ACCESS RIGHTS

The District shall permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the agency under the Individuals with Disabilities Education Act (IDEA). The District shall comply with a request without unnecessary delay and in no case more than 45 days after the request has been made, and before:

- Any Individualized Education Program (IEP) meeting;
- Any hearing involving a due process complaint or disciplinary hearing;
- Any resolution session.

The right to inspect and review education records includes:

- The right to a response from the agency to reasonable requests for explanations and interpretations of the records;

- The right to request that the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- The right to have a representative of the parent inspect and review the records.

The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised to the contrary by legal proceeding involving guardianship, separation, divorce, paternity, emancipation, or other valid court order affecting legal custody.

RECORD OF ACCESS
The District will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of the agency), including:the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORDS ON MORE THAN ONE CHILD
If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.

LISTS OF TYPES AND LOCATIONS OF INFORMATION
The District shall provide parents on request a list of the types and locations of education records collected, maintained or used by the District.

FEES
The District may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records. The District may not charge a fee to search for or to retrieve information.

AMENDMENT OF RECORDS AT PARENT'S REQUEST
A parent who believes that information in the education records collected, maintained, or used by the agency is inaccurate or misleading or violates the privacy or other rights of the child, may request the District to amend the information.
The District shall decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request.
If the District refuses to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.

OPPORTUNITY FOR A HEARING

The District shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

RESULT OF HEARING

If, as a result of a hearing, the District decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.

If, as a result of a hearing, the District decides that the information is not inaccurate, is misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the agency's decision.

CONSENT

Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA).

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.

If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.

SAFEGUARDS

The District shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

The Director of Special Education assumes responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.123 and FERPA (34 CFR part 99).

The District shall maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

The District shall inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.

The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

CHILDREN'S RIGHTS

The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.

If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, the District shall provide any notice required under the procedural safeguards provisions to the student and parents/guardians.

TRANSMITTAL OF STUDENT EDUCATION RECORDS

Within ten days of a student's enrollment in a school district or public agency, the new school district or public agency must notify the school district or public agency in which the student was formerly enrolled, and request the student's education records.

The former school district or public agency must transfer all requested student education records to the new school district or public agency no later than 10 days after receiving the request.

The education records transferred to the new school district or public agency must include any special education records relating to the particular student retained by the former school district or public agency.

The former Wyoming school district or public agency must retain copies of student education records for the time periods and under the conditions described in the Wyoming School Districts Record Retention Schedule.

34 C.F.R. Part 99
34 C.F.R. §300.123
34 C.F.R. §§300.610 - 300.626

See also policies:

JRA – Student Records
JRAC – Student Privacy Protection and Parental Right of Inspection to Certain Material

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