

5072-R Special Education - Confidentiality Requirements

CONFIDENTIALITY

- The School District shall designate one official 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 school district or public agency.

NOTICE TO PARENTS

- The District shall provide notice to the parents about the District's confidentiality provisions.

ACCESS RIGHTS

- The District shall permit parents to inspect and review any education records relating to their students that are collected, maintained or used by the agency under 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 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 student unless the agency 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 the Individuals with Disabilities Education Act (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 STUDENT

- If any education record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their student.

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 agency.

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 student, 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 34 C.F.R. §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 student.

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 student, 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 student, 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 parent consent under Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. Part 99.

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

STUDENTS' 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.

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.

ADOPTION DATE: May 24, 2011; Minor revisions November 10, 2015; **Reviewed October 26, 2021;**

LEGAL REFERENCE(S): *34 C.F.R. Part 99, 34 C.F.R. §300.123, 34 C.F.R. §300.610 - 300.626*

CROSS REFERENCE(S): 5147, 5147-R, 5110, 5110-R, **1200, 1200-R**

ADMINISTRATIVE REGULATION: