

CONFIDENTIALITY OF INFORMATION

The policy ensures that:

PUSD will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with §§300.611 through 300.627.

Procedures include, but are not limited to:

§300.613 ACCESS RIGHTS

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

- a) Any IEP meeting;
- b) Any hearing involving a due process complaint or disciplinary hearing;
- c) Any resolution session

2) The right to inspect and review education records includes:

- a) The right to a response from the agency to reasonable requests for explanations and interpretations of the records;
- b) 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
- c) The right to have a representative of the parent inspect and review the records.

3) PUSD may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised to the contrary by legal proceeding involving guardianship, separation and divorce.

§300.614 RECORD OF ACCESS

1) PUSD 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:

- a) The name of the party;
- b) The date access was given; and
- c) The purpose for which the party is authorized to use the records.

§300.615 RECORDS ON MORE THAN ONE CHILD

1) 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.

§300.616 LISTS OF TYPES AND LOCATIONS OF INFORMATION

1) PUSD must provide parents on request a list of the types and locations of education records collected, maintained or used by the agency.

§300.617 FEES

1) PUSD 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.

2) PUSD may not charge a fee to search for or to retrieve information.

§300.618 AMENDMENT OF RECORDS AT PARENT'S REQUEST

1) A parent who believes that information in the education records collected, maintained or used by PUSD is inaccurate or misleading or violates the privacy or other rights of the child, may request PUSD to amend the information.

2) PUSD must decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request.

3) If PUSD refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.

§300.619 OPPORTUNITY FOR A HEARING

1) PUSD must, 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.

§300.620 RESULT OF HEARING

1) If, as a result of a hearing, PUSD 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.

2) If, as a result of a hearing, PUSD decides that the information is not inaccurate, is misleading, or otherwise in violation of the privacy or other rights of the child, it must 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.

§300.622 CONSENT

- 1) 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 FERPA.
- 2) 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.
- 3) 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.

§300.623 SAFEGUARDS

- 1) PUSD must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- 2) One official at PUSD must assume responsibility for ensuring the confidentiality of any personally identifiable information.
- 3) 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).
- 4) PUSD must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

§300.624 DESTRUCTION OF INFORMATION

- 1) PUSD must inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.
- 2) 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.

§300.625 CHILDREN'S RIGHTS

- 1) The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.
- 2) If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, PUSD must provide any notice required under the procedural safeguards provisions.