

MIDWESTERN INTERMEDIATE UNIT IV
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CONFIDENTIALITY OF SCHOOL RECORDS

STUDENT RECORD PROCEDURES

The Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), Pennsylvania School Code, the Office of Child Development and Early Learning (OCDEL) and Pennsylvania Department of Education (PDE) require that educational agencies protect the rights to privacy and confidentiality of the children and their families when collecting, maintaining, and disclosing information regarding children and their families. The Midwestern Intermediate Unit IV (MIU) approved a comprehensive, agency-wide Confidentiality of Student Records Policy that would apply to all MIU IV programs. The Early Intervention program will adhere to the following procedural guidelines in order to meet the federal and state regulatory requirements for the protection of privacy of children and families served by the MIU IV Early Intervention program. These guidelines address the collection, maintenance, disclosure, and destruction of records.

1. WHAT PERSONALLY IDENTIFIABLE INFORMATION IS MAINTAINED ABOUT MY CHILD AND WHAT USES ARE MADE OF THIS INFORMATION?

Your child's record contains many different kinds of information. This information includes official administrative records made up of necessary personal data for the operation of the educational system. This personal data includes: name and address of student, telephone number, sex, place and date of birth, height, and weight well as names and addresses of parents, e-mail addresses, and attendance.

2. WHAT ARE THE POLICY AND PROCEDURES REGARDING: A) STORAGE OF INFORMATION; B) DISCLOSURE OF INFORMATION TO THIRD PARTIES; C) RETENTION AND DESTRUCTION OF PERSONALLY IDENTIFIABLE INFORMATION; D) HOW RECORDS ARE AMENDED; AND E) INFORMATION REGARDING RECORD OF ACCESS?

The main office of your child's school district knows where your child's records are located. If your child attends an Intermediate Unit (IU) class or Early Intervention Program, the IU will have some of your child's records that include the Individualized Education Program (IEP), Evaluation Report (ER), Permission to Evaluate/Re-evaluate, Invitation to IEP Meetings, Progress Reports and, Notice of Recommended Educational Placement (NOREP). A copy of the most current IEP and previous IEP as well as ER may be kept in the teacher's locked file cabinet. Other documents such as the most recent Invitation to the IEP, work samples and progress reports are also kept in the teacher's locked file cabinet. The original NOREP is often kept in the school district's administration building. Contact your child's teacher first when you have questions about school records. Authorized School personnel must sign a form that lists the name, date and purpose for accessing your child's file. No other person or agency may see your child's records without your (Parents/ Legal Guardians) specific written permission.

The written Permission is received from the parent by signing the MIU IV Consent to Obtain/Release Confidential Educational/Medical/Mental Health Information form which is available at all classroom sites. The records will be routinely reviewed and updated. Parents will be informed when information that is no longer necessary or useful to provide educational services to your child will be destroyed. A permanent record of a student's name, address, and phone number as well as grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Parents may receive a copy of material to be destroyed.

Destruction of Records applicable to the Early Intervention Program

With the exception of the child's Directory Information, the child's educational record will be destroyed seven years after the child leaves the program at the end of the school year in which the child exited the Early Intervention Program. Directory Information will be transferred to a CD that will be held at Early Intervention Office. The Early Intervention Program may maintain this information without time limitation. The Early Intervention Program will send to the child's parent a *Notice of Destruction of Student Educational Records* indicating that parents can request a copy of the records before these records are destroyed. If parent requests a copy of the records, the secretary will mail the educational records. The designated secretary at the end of each school year will print the current database and copy onto a CD. The information will be stored in a file clearly labeled, current year EI ACCESS Database, placed in the EI secretary's desk for the following year's destruction process.

For children who were evaluated and found not to be in need of special education, their files will be placed in the never enrolled section of the file drawer maintained by each county diagnostic team. Papers are kept on non-exceptional children until they are school-age eligible. At that time they are destroyed.

OVER

3. WHAT RIGHTS DO I HAVE AS A PARENT TO ACCESS MY CHILD'S INFORMATION AND IS THERE A FEE FOR COPIES OF INFORMATION? WHO HAS THE RESPONSIBILITY FOR ENSURING CONFIDENTIALITY?

You as parent or legal guardian have a right to access your child's information and your child, with your permission, has a right to access of the information in his/her file (Parental permission is not required when the child reaches the age of 21 years). Parents have a right to inspect and review any educational records relating to their child that are collected, maintained and used as well as the right to a reasonable request to have records explained or interpreted for them. Parents also have a right to have a representative inspect and review their child's records. The records will be available, at a mutually agreeable time, for an eligible student and/or parent review with the assistance of a principal, or supervisor. They are responsible to ensure confidentiality. Ask your child's school principal or supervisor IN WRITING to see your child's records. That should be all that is necessary. If for some reason your request is refused, or if you do not hear from the principal or supervisor within two weeks, write to your school district's superintendent and enclose a copy of the original letter sent to the principal. If you have not been able to see your child's records within 45 days, contact the Procedural Safeguards Liaison at your Intermediate Unit.

A nominal fee may be charged for copying information from your child's record.

4. WHAT RIGHT DO I HAVE AS A PARENT TO A HEARING AND WHAT ARE THE HEARING PROCEDURES?

If you as a parent believe that information in your child's record is inaccurate or misleading or violates your child's privacy or other rights, you may request that the information be amended. If a parent desires an amendment to their child's educational record, the parent must put the request in writing. If the agency agrees, the amendment will become part of the child's record. If the agency decides to refuse to amend the information in accordance with the parent request, the agency will inform the parent of the refusal and advise the parent to a right to a hearing and issue a NOREP. The agency must decide whether to amend the information in the child's record within a reasonable period of time of the receipt of the request.

5. IF A CRIME WAS REPORTED BY THE SCHOOL MY CHILD ATTENDS, WILL THE SCHOOL TRANSMIT COPIES OF MY CHILD'S SPECIAL EDUCATION AND DISCIPLINARY RECORDS ONLY TO THE EXTENT THAT THE TRANSMISSION IS PERMITTED BY THE FAMILY EDUCATION RIGHT TO PRIVACY ACT (FERPA)?

Yes, the school may not release information from education records to participating agencies without parental consent unless authorized to do so.

Revised March 2007
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