

Confidentiality Policy

Purpose



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The Board of Trustees adopts this policy to set forth the requirements and procedures governing the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by City Charter High School pursuant to Part B of the Individuals With Disabilities Education Improvement Act. (The Act and its implementing regulations are hereinafter collectively referred to as "IDEA,") Specifically, the records and other information covered by this policy include but are not limited to records and information related to initial evaluations and re-evaluations to determine whether a child is a child with a disability as defined herein in accordance with IDEA, individualized education programs (IEPs), and communications related to the same. This policy covers records and information related to children with disabilities, as well as records and information such as evaluations related to children thought to be disabled, regardless of whether a determination is ultimately made that the child is disabled as defined herein in accordance with IDEA.

The scope of records and information covered by this policy extends to those records collected or maintained by City Charter High School as related to all children within the purview of City Charter High School's child find obligation, regardless of whether such students are enrolled in the school, and to all students enrolled in approved private schools.

This policy does not apply to plans for accommodations and services under Section 504 of the Rehabilitation Act, nor does it cover personally identifiable information and records related to such plans. However, to the extent that a child is evaluated to determine if he/she is a child with a disability, and the determination is ultimately made that the child is, instead, eligible for a plan under Section 504, all records and personally identifiable information related to the evaluation process are subject to this policy.

For ease of reference, all records and information covered by the scope of this policy shall be described herein as "special education records."

For purposes of this policy, records pertaining to special education students that are not directly related to the evaluation of eligibility for, or provision of, special education services, shall be considered "regular education records." "Regular education records" include, but are not limited to, records related to attendance, discipline, and health records.

Authority

The Board of Trustees directs the School Administration to follow all of the requirements set forth within this policy as well as any other applicable provisions of IDEA and FERPA not explicitly stated herein, to protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages. The Board of Trustees further delegates to the School Administration the authority to collect and maintain records in specific locations, and to delegate to specific School personnel the responsibility for collection and maintenance of records and protection of confidentiality of

special education records, consistent with the provisions of IDEA and FERPA.

Definitions

FERPA - The Family Educational Rights and Privacy Act of 1974, as amended, and its implementing regulations.

Child With a Disability - a child evaluated in accordance with the IDEA as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

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

Parent - a biological or adoptive parent of a child; a foster parent, unless a law of the Commonwealth, regulations or contractual obligations with a Commonwealth or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if a child is a ward of the state); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed.

Biological or adoptive parent must be presumed to be the parent for purposes of this policy unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

Personally Identifiable Information - information that contains the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number, student identification number or Pennsylvania Secure Identification; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Student - any child whose personally identifiable information and/or records fall within the scope of this policy, regardless of whether he or she is enrolled within the school.

Guidelines

RIGHTS, REQUIREMENTS, AND PROCEDURES

A. Uses of Personally Identifiable Information

1. City Charter High School may disclose personally identifiable information from the education records of a student without written consent of the parent(s)/guardian(s)

or the student or the eligible student in several situations for the purpose of making education decisions for the student.

- a. To other school officials, including teachers, counselors or social workers, nurses and related service personnel within the school who have been determined by City Charter High School to have legitimate educational interest or are providing instructions or services to students.
 - b. To officials of another school or school system or postsecondary schools in which the students seeks or intends to enroll.
 - c. To appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
 - d. Information designated by City Charter High School as Directory Information.
2. Generally, schools must have written permission from the parent(s)/guardian(s) or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties.
- a. Specified officials for audit and evaluation purposes.
 - b. Appropriate parties in connection with financial aid to a student.
 - c. Organizations conducting studies for or on behalf of the school.
 - d. Accrediting organizations.
 - e. To comply with judicial order or lawfully issued subpoena.
 - f. State and local authorities, within the juvenile justice system, pursuant to specific state law.

B. Rights of Parents

1. Parents shall have all rights as set forth in IDEA and, to the extent applicable, FERPA, and as summarized in this policy, with respect to a student's education records and other personally identifiable information. As set forth in this policy, such rights include: the rights of access to education records; the right to consent or object to disclosure of personally identifiable information; the right to seek amendment of education records; all rights with respect to destruction of personally identifiable information.

2. The School Administration shall consult with applicable law, regulations, and the Solicitor if necessary with respect to any potential rights of special education students, including those who have reached the age of majority, relative to education records and other personally identifiable information.

C. Right of Access to Education Records

1. City Charter High School shall permit parents to inspect and review any education records relating to the child that are collected, maintained, or used by the school. City Charter High School must comply with a request for such inspection and review without unnecessary delay; and before any of the following: a meeting regarding an IEP, a hearing related to a due process complaint filed by a parent or by City Charter High School, or a resolution session. In no case shall City Charter High School comply with such a request more than forty-five (45) days after the request has been made.
2. The right to inspect and review education records includes:
 - a. the right to a response from the City Charter High School to reasonable requests for explanations and interpretations of the records;
 - b. the right to request that City Charter High School provide copies of the records containing the information 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. City Charter High School shall maintain and shall provide to parents on request a list of the types and locations of education records collected, maintained, or used by the School.
4. At the discretion of City Charter High School, and for verification and record keeping purposes only, the school may require the parent to put in writing the following:
 - a. An oral request to inspect, review, copy or receive copies of educational records.
 - b. An oral designation of a parent's representative.

- c. An oral request for a list of the types and locations of a child's educational records collected, maintained or utilized by City Charter High School.
5. The failure of a parent to put in writing any of the above shall not result in the parent being denied the request or the designation of a representative.
6. City Charter High will not charge a fee to parents or third parties for one copy of education records.

D. Disclosure of Personally Identifiable Information From Education Records

1. General Rule - City Charter High School may disclose personally identifiable information from a student's education record only with prior parental consent.
2. Exceptions: City Charter High School may disclose personally identifiable information from a student's education record without prior parental consent in the following scenarios:
 - a. Prior parental consent is not required when personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of IDEA, with the following exceptions:
 - i. prior consent is needed before personally identifiable information is released to officials of participating agencies which provide or pay for transition services; and
 - ii. if a child is enrolled, or is going to enroll in a private school prior consent must be obtained before any personally identifiable information about the child is released between officials in City Charter High School and officials in the private school.

E. Recordkeeping Regarding Disclosure of Personally Identifiable Information

1. City Charter High School shall keep a record of parties who obtain access to education records collected, maintained, or used under Part B of the IDEA (except as related to access by parents and authorized employees of City Charter High School), including the name of the party obtaining access, the date access is given, and the purpose for which the party is authorized to use the records.

F. Requests for Amendment of Education Records

1. A parent who believes that information in the student's education records collected, maintained or used under IDEA is inaccurate or misleading or violates

the privacy or other rights of the child may request that City Charter High School amend the information. The school shall determine within a reasonable amount of time whether to amend the information.

2. If City Charter High School decides to refuse to amend the information, it shall inform the parent of the refusal and shall advise the parent of the right to a hearing, which shall be subject to all conditions of and comply with all requirements of 34 C.F.R. Sections 300.619 through 300.621, or any other controlling regulation(s) that may in the future be in place, including those procedures related to the result of a hearing.

G. Collection and Location of Education Records

1. The Charter School CEO shall designate one official to assume responsibility, on behalf of City Charter High School, for ensuring the confidentiality of any personally identifiable information that is the subject of this policy.
2. Contact the Director of Special Education for any type of breach or concern related to confidentiality.
3. The Charter School CEO shall delegate, either to the Special Education Director or to another individual as deemed appropriate by the School Administration, the following duties:
 - a. the duty to provide or arrange for training and instruction regarding federal, Commonwealth (if any), and City Charter High School records policy requirements related to the information covered under the scope of this policy.
 - b. the duty to maintain, for public inspection, a current listing of the names and positions of those employees within City Charter High School who may have access to personally identifiable information.
 - c. The duty to maintain day-to-day collection and location of special education records in City Charter High School.

H. Destruction of Information

1. City Charter High School shall inform parents when personally identifiable information collected, maintained or used in accordance with this policy 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 the 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.

3. If City Charter High School proposes to destroy personally identifiable information in the records of a student, it shall send written notification to the parents, which shall inform the parents of their right to receive a copy of the material to be destroyed, prior to the destruction of the information.
4. This policy shall not require City Charter High School to destroy educational records for a student except upon request of the parent.
5. Unless the parent requests destruction of the information, all student education records shall be maintained in accordance with the City Charter High School's records maintenance policy.

