

Educational Program  
Series 600

Code No. 602.18

Policy Title: Confidentiality of Personally Identifiable Information

Safeguards

The board recognizes the importance of maintaining student records and preserving their confidentiality.

All student records containing personally identifiable information shall be kept confidential at collection, storage, disclosure and destruction stages. Student records shall be maintained by the records custodian and housed in the central administration office. The records custodian shall assume responsibility for ensuring the confidentiality of any personally identifiable information. The district personnel who collect or use personally identifiable information shall receive training or instruction regarding confidentiality of personally identifiable information.

Access Rights

A parent or eligible student shall have access to the student's records. An eligible student is a student who has reached the age of majority or is attending an institution of post-secondary education. If the student is an eligible student, the parent shall not be provided access without permission of the student, unless the eligible student is still a dependent student, as defined by Section 152 of the Internal Revenue Code of 1954. It shall be presumed that a student who has not graduated from high school is a dependent of his or her parents until such time as satisfactory evidence to the contrary is presented to school officials. A representative of the parent or eligible student shall have access to the student's record with consent from the parent or eligible student.

Except as otherwise provided in this policy, no one else shall have access to a special education student's records without the written permission of the parent or eligible student. A parent shall not be denied access to a student's records without a court order or in any case where the district has been advised that the parent does not have authority to access records.

Annually, the school district shall notify the parent and eligible student of their right to view the student's records. The notice shall be given in a parent's or eligible student's native language. If any educational records include information on more than one child, the parent shall have the right to inspect and review only the information relating to his/her child or to be informed of that information.

The district shall provide a parent on request a list of the types and locations of educational records collected, maintained, or used by the district. A parent, eligible student, and their representative shall have a right to inspect and review the student's records upon request without unnecessary delay before any meeting regarding an IEP or hearing, and in no instance more than 45 days after the request is made. The district shall respond to a request for an explanation and interpretation of the records and a list of the types and locations of educational records collected, maintained, or used.

Copies

Copies of records shall be provided only if failure to do so would effectively prevent the parent or student from exercising the right to inspect and review the records within 45 days of the request.

Fees

A fee for copies of records may be charged but shall be waived if it would prevent the parent or student from inspecting and reviewing the records. A fee shall not be charged to search or retrieve information.

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Amendment of Records

If the parent or eligible student believes the information in the record is inaccurate, misleading or violates the privacy or other rights of the student, the parent or eligible student may request that the school district amend the information. The district shall decide whether to amend the information in accordance with the request within a reasonable period of time following receipt of the request. If the school district refuses to amend the records, it shall inform the parent of its refusal and advise the parent of the right to a hearing.

The parent or eligible student shall have a right to appeal the school district's decision and shall have an administrative hearing at the district level. A local hearing shall be conducted according to the procedures under 34CFR §§ 99.22.

If the district determines, as a result of a hearing, that an amendment shall be made to the student's records, the school district shall make the amendment and so inform the parent in writing. If the parent's request to amend the records is denied as a result of a hearing, the parent shall have the opportunity to place an explanatory statement in the student's records commenting on the district decision and setting forth any reasons for disagreeing with the district. The district shall maintain the parent's explanation as part of the records of the child as long as the record or contested portion is maintained by the district. If the records of the child or the contested portion is disclosed by the district to any party, the explanation shall also be disclosed to the party.

Consent

Parental written consent shall be obtained before personally identifiable information is disclosed to anyone other than the following individuals and under the following circumstances:

- ❖ The disclosure is to school personnel within the school district who the superintendent has determined to have legitimate educational interests;
- ❖ The disclosure is to officials of other education agencies or institutions in which the student wishes to enroll;
- ❖ The disclosure is to area education agency personnel who are regularly assigned to provide services to the specific district building;
- ❖ The disclosure is to the U.S. Comptroller General, the U.S. Secretary of Education or state and local educational authorities;
- ❖ The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to receive the financial aid;
- ❖ The disclosure is to organizations conducting educational studies and the studies do not release personally identifiable information;
- ❖ The disclosure is to accrediting organizations;
- ❖ The disclosure is to the parent of a dependent student as defined in §152 of the Internal Revenue Code of 1954;
- ❖ The disclosure is to comply with a court order or judicially issued subpoena, only if the district makes reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance;
- ❖ The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- ❖ The information is directory information.

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When disclosure is made to these exempted parties, it shall be made only on condition that the information will not be disclosed to a third party without written parental or eligible student's consent. The superintendent shall keep, for public inspection, a current listing of the name and position of those employees who are authorized to view a special education student's records without the permission of the parent or eligible student.

Record of Access

The superintendent shall keep a record of parties obtaining access to education records collected, maintained or used (except access by parents and authorized employees of this district). This record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The access record may be reviewed only by the parent, eligible student, and the person(s) responsible for custody of the records.

Destruction of Personally Identifiable Information of Students of Special Education

When personally identifiable information no longer needs to be maintained by the school district to provide educational services to the child, the parent or eligible student shall be notified. If the parent or eligible student requests that the records be destroyed, the school district shall destroy the record. Prior to the destruction of the records, the school district shall inform the parents or eligible student of the reasons for which it may want the records maintained. In the absence of a parent or eligible student's request to destroy the records, the school district may maintain the records indefinitely. For federal audit, some records shall be retained for five years.

Permanent records, a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation even over parent objections. Permanent records shall be kept in a fire-safe vault.

Legal Reference: 20 U.S.C. §1415 (1992) 300.221;  
20 U.S.C. §1232g (1988).  
34 C.F.R. Pt. 99, §§300.221; 300.560-300.574; 76.731; 76734;  
and 75.734 (1991).  
Chapter 22 §622.10; Iowa Code (1991)  
Education (281)--§12.3(6); 41.20, IAC  
1980 Op. Att'y Gen. 720, 825.

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