

SECTION VI

Confidentiality of Personally Identifiable Information

A. General Safeguard Assurances

The *Grant Parish School Board* will appoint the Special Education Supervisor to serve as Confidentiality Designee who will be responsible for overseeing and coordinating confidentiality requirements of all personally identifiable information pertaining to exceptional students in the system during the collection, maintenance and destruction of such information. (CFR 300.221)

All rights belonging to parents also apply to the legal guardian, surrogate parent or child when he/she reaches the age of eighteen (18) unless the child has been interdicted or is under continuing tutorship. If, at the age of legal majority (18), the child is residing with the parents, effort will be made to also provide the parents with notices involving confidentiality.

B. Definitions

Disclosure means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

Record means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.

C. Responsibility of Confidentiality Designee

The Confidentiality Designee shall conduct an annual inservice on confidentiality requirements for all educational personnel within the system who collect or use personally identifiable information. Inservice topics shall include: parent informational rights, access and access records, amendment rights, hearing rights, consent/disclosure, destruction of records and rights of parents acting on behalf of their children.

The Confidentiality Designee shall maintain a current list of names and positions of all persons within the system who have access to confidential information, which is available for public inspection at each site where records are maintained.

The Confidentiality Designee shall ensure that records be maintained of persons obtaining access to education records (except by parents or authorized employees of the school system) through the following procedures:

The Confidentiality Designee shall design a form to be included in each education record which includes name of the person obtaining access; date access was given; and purpose of access.

The Confidentiality Designee shall distribute these forms, as needed, to each building which houses education records. The Confidentiality Designee shall ensure that access records are maintained in all central office files.

The principals of individual schools shall ensure that access records are maintained in their respective schools.

The Confidentiality Designee shall ensure that access records are being properly maintained at individual schools by an annual review of random education records. A checklist will be used to document this activity which will be done as part of the annual local monitoring.

The Confidentiality Designee shall ensure that education records are kept in locked filing cabinets at all sites and that all such records are labeled "Confidential". An access list of all authorized personnel will be attached to the file.

D. Parents Informational Rights

Parents have the following rights regarding the confidentiality of any educational records which are collected, maintained, or used by the *Grant Parish School System* in the identification, evaluation, placement, and provision of FAPE.

*>To inspect and review all educational records.

*>To receive a response from the participating agency to reasonable requests for explanations and interpretations of records.

*>To request the agency to provide copies of records.

*>To have a representative inspect and review records.

*>To request a list of the types and locations of education records collected, maintained, or used by *Grant Parish Schools*.

In ensuring these rights, the *Grant Parish School Board* shall conduct the following activities:

When a parent, either verbally or in writing, wants to exercise any one of the above rights, the school system employee to whom this

request is directed shall:

>Inform the parent verbally and in writing of the name, address, and telephone number of the Confidentiality Designee.

>Obtain from the parent their current address, telephone number(s), the child's full name and date of birth, and nature of the request.

>Inform the parent that they may contact the Confidentiality Designee directly, if they choose, and/or that their request will be forwarded to the Confidentiality Designee and the parent will be contacted within seven (7) calendar days.

>Contact the Confidentiality Designee within three (3) calendar days and provide him/her with the name of the parent, address, and phone number(s), name of the child and date of birth, and the specific request.

The Confidentiality Designee shall take the following actions upon receipt of a request (either from a school system employee or directly from a parent) within seven (7) calendar days:

>Discuss with the parent the nature of the request. If the records are needed for an IEP meeting or a due process hearing, the records must be provided prior to such actions.

>Provide the parent with a list of the types and locations of education records maintained.

>Determine with the parent the specific records requested.

>Arrange a mutually agreed upon time and place for the parent(s) to review the records, no later than thirty (30) calendar days from the date of the request.

Prior to the parent's review, the Confidentiality Designee shall:

>Collect the pertinent records.

>Ask the person responsible for the records to remove any sole possession information.

>Review the records to determine that they do not contain personally identifiable information on more than one child. If the records do contain information on another child, a copy shall be made for the parent's review with this information deleted.

>Determine that the school system has not been advised in writing that the parent does not have legal authority to review the records.

At the parent's review, the Confidentiality Designee shall:

>Meet the parent and/or the parent's representative. If only the representative of the parent is to review the records, the representative must have written permission for this review which is signed and dated by the parent.

>Give the parent and/or the parent's representative the records.

>Remain available to interpret information and to obtain copies.

>Assess and collect a fee for copies, if the fee does not prevent the parent from effectively reviewing the records. No fee may be assessed for search or retrieval of records. If needed for an IEP meeting or a hearing relating to the identification evaluation or placement of a child, there is no charge.

E. Parent's Rights to Amend Records and/or Receive a Hearing

Parents have the following rights to amend information in education records which are collected, maintained or used by the *Grant Parish School System*:

*>To request that information contained in education records be amended if they believe

that the information is inaccurate, misleading, or violates the rights of the child.

*>To request and receive a hearing to challenge the decision of the school system if it is in disagreement with the parent.

Requests for amendments shall be handled according to the following procedures.

-When a parent requests either verbally or in writing to amend information contained in education records, the school system employee to whom the request is directed shall:

>Inform the parent verbally and in writing of the name, address, and telephone number of the Confidentiality Designee.

>Obtain from the parent their current address, telephone number(s), the child's full name and date of birth, and the specific request.

>Inform the parent that they may contact the Confidentiality Designee, and/or the request will be forwarded to the Confidentiality designee and the parent will be contacted within seven (7) calendar days.

>Contact the Confidentiality Designee within three (3) calendar days and provide the Confidentiality Designee with the name of the parent, address and phone number(s), name of the child and date of birth, and the specific request.

The Confidentiality Designee shall take the following actions upon receipt of a request to amend information (either from a school system employee or directly from a parent.)

>Contact the parent within seven (7) calendar days to arrange a mutually agreed upon time

and place to obtain the pertinent information from the parent and discuss the request to amend the information.

>Within seven (7) calendar days, obtain from

the parent a written description of the records to be amended and the specific information to be amended.

>Advise the parent that a decision from the school system will be made within ten (10) calendar days from the date of the meeting with the parent.

Following the meeting with the parent, the Confidentiality Designee shall:

>Confer with other representatives of the system to make a determination whether to amend the information according to the parent's request and have the decision confirmed by the Supervisor of Special Education.

>Inform the parent of the decision verbally and in writing within ten (10) calendar days from the date of the meeting.

If it is the decision of *Grant Parish Schools* **to amend** the record according to the parent's request, the Confidentiality Designee shall ensure that it is done within ten (10) calendar days of the decision. Every record containing the specific information shall be amended. Insofar as is possible, the information shall be amended in such a way so that it is not obvious that information has been changed or deleted.

If it is the decision of *Grant Parish Schools* **not to amend** the record according to the parent's request, the Confidentiality Designee shall inform the parent verbally and in writing of the right to a hearing should he/she decide to challenge the decision of the school system. Should a parent decide, either verbally or in writing, to challenge the decision of the school system concerning the requested amendment, the following activities shall take place.

The Confidentiality Designee shall contact the parent within five (5) calendar days of the request for a hearing to explain to the parents that they will have the opportunity to present any relevant evidence and may be assisted or represented by individuals of their choice,

including an attorney, at their own expense.

The Confidentiality Designee shall schedule the hearing to take place on a mutually agreeable date within thirty (30) calendar days of the request and shall give the parent verbal and written notice of the date, time and place of the hearing at least ten (10) calendar days in advance of the hearing date.

The hearing shall take place within thirty (30) calendar days of the request and shall be conducted by a member of a neighboring parish's special education central office staff.

At the hearing, the parents and/or their representative and the representative of Grant Parish Schools shall be allowed to present evidence relevant to the issue.

The Confidentiality Designee shall attend the hearing and ensure that accurate minutes are kept of the meeting.

The individual conducting the hearing shall base his/her decision solely on information presented during the hearing.

The decision shall be made in writing with a copy and verbal explanation given to the parent by the Confidentiality Designee within fifteen (15) calendar days of the hearing.

If it is the decision of the hearing officer to direct *Grant Parish Schools* **to amend** the record according to the parent's request, the Confidentiality Designee shall ensure that it is done within ten (10) calendar days of the decision. Every record containing the specific information to be amended shall be amended. Insofar as is possible, the information shall be amended in such a way so that it is not obvious that information has been changed or deleted.

If it is the decision of the hearing officer to direct *Grant Parish Schools* **not to amend** the record according to the parent's request, the Confidentiality Designee shall inform the parent verbally and in writing of the right to place in

the records a statement or comment explaining the reasons for disagreeing with the decision of the school system. Should the parent decide to exercise this right, the Confidentiality Designee shall:

- >Obtain the parent's written statement.
- >Ensure that the parent's explanation is placed in all relevant records within ten (10) calendar days of the request.
- >Ensure that this information remains a permanent part of the child's education records.
- >Ensure that this information is contained in any release of the records to another agency or party.

F. Folder Management

- >Transfers within the Parish:
 - Place the Special Education Student Summary Form and a copy of the student's report card in the confidential folder.
 - Place the special education confidential folder inside the cumulative folder in the principal's office.
 - The school will send both folderse

G. Destruction of Education Records

Education records **may be** destroyed at the discretion of the *Grant Parish School System* at the following times:

- Five (5) years after cessation of special educational services to a student.
- Five (5) years after the student leaves the school system.

Education records **must be** destroyed by the school system at the request of the parent if the student has left the school system or the records are no longer needed to provide special education services.

In destroying education records, the following

procedures apply:

-The Confidentiality Designee shall inform the competent major, parent, surrogate parent, tutor or curator when the school system has elected to destroy education records, and offer the opportunity to obtain copies of the records before destruction by conducting and documenting the following activities:

- >Contacting the parents by phone, if possible.
- >Send one (1) letter to the last known address.
- >Placing a notice in newspapers of general circulation indicating which records will be destroyed (by dates of services received), the scheduled date of destruction, and instructions on how to obtain copies.

All notices/contacts shall indicate the destruction date for the records and must be provided at least 30 days prior to the actual destruction of records.

If a parent requests that education records be destroyed, the Confidentiality Designee shall:

>Remind the parent that the records may be needed in the future by the parent or child for social security benefits or other purposes, and offer to provide copies for the parent.

>Obtain a signed and dated request for destruction from the parent.

>Ensure that the appropriate records are destroyed within ten (10) calendar days of the request.

The Confidentiality Designee may choose to retain as part of the permanent records the following information on records destroyed for any reason, including those destroyed at the request of a parent.

- ..Student name, address, phone number.
- ..Grades
- ..Attendance record

- ..Classes attended
- ..Grade level completed
- ..Year completed

If additional information is maintained, the parent will be notified of the information to be maintained.

The Confidentiality Designee shall ensure that records are shredded in a manner not to jeopardize confidentiality.

H. Consent for Disclosure of Records

Parental consent must be obtained before personally identifiable information regarding their child is released to anyone other than the following:

- Parent or competent major student
- Other school officials, including teachers, within the school system who have been determined by the Confidentiality Designee to have legitimate education interests.
- Authorized representatives of the Comptroller General of the United States, the Secretary of Education, the Commissioner, the Director of the National Institute of Education, and State Education Authorities.
- State and local officials or authorities to whom information is specifically required to be reported.

The following procedures apply to obtaining consent and release of personally identifiable information.

The Confidentiality Designee shall use the form "Release of Confidential Records" for obtaining written parental consent for release of confidential information which includes the following:

- Specification of records to be disclosed.
- The purpose(s) for disclosure.
- The party or class of parties to whom disclosure may be made.
- Period of time for which the consent is valid, not to exceed one (1) year.
- Signature of parent and date of signature.

When an employee of *Grant Parish Schools* receives a request for disclosure of personally identifiable information, that employee shall contact the Confidentiality Designee who shall determine whether parental consent is necessary. The Confidentiality Designee shall notify the appropriate person to request parental consent.

If parental consent is not necessary, as in the case of the transfer of educational records from one public school system to another public school system within Louisiana, the Confidentiality Designee shall:

Notify the parents by letter at their last known address, and transfer the records (including IEP and multidisciplinary evaluation) to the requesting school system.

If parental consent is necessary:

>The appropriate release form shall be completed and signed by the parent.

>A copy of the signed release form shall be maintained as part of the student's record.

>A copy of the record(s) to be released shall be offered to the parent.

It may be assumed that the parent is authorized to give consent, unless the *Grant Parish Schools* has been provided with a legally binding instrument which proves to the contrary.

I. Electronic Transfer of Personally Identifiable Information

Releasing Jurisdiction of a Student:

When it has been determined that a student is no

longer receiving special education services in *Grant Parish Schools*, the LANSER data base shall be updated in the following manner.

The student's special education teacher shall notify the Confidentiality Designee, by submitting the form "Notice of Termination/or Transfer of Special Education Students", when a student:

- transfers out of the Grant Parish district to another school system in Louisiana;
- transfers to a school system in another state;
- is removed from special education services due to parental withdrawal for approval;
- graduates with a diploma or certificate of achievement;
- reaches maximum age
- dies; or
- drops out of school.

Upon receipt of the information, the data entry clerk will update the LANSER record for the student by:

- Changing the jurisdiction authority code to ("000") zeroes in the 'LLS of Jurisdictional Authority' field if the student transfers to another school system in Louisiana.
- Completing the "Exit from Program" information if the student transfers to a school system out of Louisiana; the parent withdraws approval; the student graduates with a diploma or certificate of achievement; student reaches maximum age.
- Prior to exiting a student that has dropped out of school steps will be taken to encourage the student to re-enroll or be given information regarding GED programs/Vocational Training Programs and/or referred to job placement agencies. The Confidentiality Designee will refer these students to the Child Search Coordinator who will have the responsibility of conducting follow-up activities with the student prior to exiting him/her from the LANSER

database.

Claiming Jurisdiction of a Student:

Upon entry of a special education student into the *Grant Parish School System* from another parish within the state, the PAS contact person will obtain from the parents all information relating to the last school attended, grade level, date of birth, classroom placement, if available -the State ID number of the student, etc., and submit this information to the data entry clerk.

If the information obtained from the parent includes the child's State ID number, the data entry clerk will claim jurisdiction of the student by entering the parish code- "022" into the "LLS of Jurisdictional Authority" field.

If the information obtained from the parent does not include the child's ID number, the data entry clerk will make a name search of the LANSER data base and:

- claim the child if the sending parish has released jurisdictional control, or
- request the sending parish release jurisdictional control either by telephone or electronic mail and then claim jurisdiction as stated above.

NOTE: The same rules and regulations apply to electronic transfer of records that govern the transfer of any educational records among educational agencies.