

Section 2

CONFIDENTIALITY OF INFORMATION Ed 1119

The Litchfield School District adheres to the Confidentiality of Information regulations set forth in the NH Rules, the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627), with its implementation of federal regulations. .

The District provides written notice to fully inform parents about the requirements of this section including:

1. A description of the extent that the notice is given in the native languages of the various population groups residing in the District;
2. A description of the children for whom personally identifiable information is maintained, the types of information sought, the methods the District intends to use in gathering the information (including the sources from whom information is gathered), and how the information will be used;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and IDEA and its regulations.

ACCESS RIGHTS

The District permits parents to inspect and review any education records relating to their child that is collected, maintained, or used by the District under 34 CFR Part 300. The District will comply with a request without unnecessary delay and in a reasonable timeframe, and before any meeting regarding an IEP, or any hearing pursuant to IDEA and its regulations and in no case more than 45 days after the request has been made.

The right to inspect and review education records under this section includes:

1. The right to a response from the District to reasonable requests for explanations and interpretations of the records;
2. The right to request that the District 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
3. The right to have a representative of the parent inspect and review the records. The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

RECORD OF ACCESS

The District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORD ON MORE THAN ONE CHILD

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 or to be informed of that specific information.

LIST OF TYPES and LOCATION OF RECORDS

The District provides parents, on request, a list of the types and locations of education records collected, maintained, or used by the District.

FEES

The District may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. On July 29, 2009, the Litchfield School Board adopted the following fee for copies: \$.30 cents per sheet. (See Photocopying Procedures and Policy JRA) The District does not charge a fee to search for or to retrieve information.

AMENDMENT OF RECORDS AT PARENT REQUEST

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of their child, may request this information be amended. The District will determine whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the District decides to not amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing.

OPPORTUNITY FOR HEARING

The District, on request from the parent, will 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.

RESULT OF HEARING

If, as a result of the hearing, it is decided that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, the District will amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, it is decided that the information is not inaccurate, An explanation will be placed in the records of the child under this section and will be:

1. Maintained by the District as part of the records of the child as long as the record or contested portion is maintained by the District; and,

2. If the records of the child or the contested portion are disclosed by the District to any party, the explanation is also disclosed to the party.

HEARING PROCEDURES

A hearing held under this section is conducted according to the procedures under 34 CFR 99.22.

CONSENT

Except as to disclosures addressed in 34 CFR Part 300.535(b) for which parental consent is not required by 34 CFR Part 99, parental consent is obtained before personally identifiable information is (1) disclosed to anyone other than officials of participating agencies collecting or using the information under 34 CFR Part 300, subject to this section; or (2) used for any purpose other than meeting a requirement of 34 CFR Part 300. The District will not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99.

The District protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. All persons collecting or using personally identifiable information will receive training or instruction regarding IDEA-B policies and procedures under 34 CFR §300.123 and 34 CFR Part 99. The District maintains, for public inspection, a current listing of the names and positions of those employees within the District who may have access to personally identifiable information.

Safeguards (34 CFR 300.623):

Each district must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each district must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policy and procedures under 34 CFR 300.123 and CFR part 99. Each district must maintain, for public inspection, a current listing of the names and positions of those employees who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

The District informs parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. 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 shall be maintained without time limitation.

CHILDREN'S RIGHTS (Ed 1119.03)

The District ensures the rights of privacy afforded to children are consistent with those afforded to parents, taking into consideration the age of the child and type or severity of disability. The age of majority in New Hampshire is eighteen (18) years, thus parental rights regarding educational records in IDEA and FERPA transfer to students at age 18. Students are notified of this change by letter at age 17.

DISCIPLINARY INFORMATION (Ed 1119.04)

The District includes in the records of a child with a disability, a statement of any current or previous disciplinary action that has been taken against the child. Such statements shall be included in, and transferred with the disabled child's record to the same extent that the disciplinary information is included in, and transmitted with the student records of children without disabilities. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the child transfers from one school to another, the transmission of any of the child's records includes both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.