

Section 1 – Identification Process

Confidentiality of Personally Identifiable Information

State Board Rule 160-4-7-.08

A full copy of State Board Rule 160-4-7.08 is provided as well as the confidentiality section of the *Parents Rights* document / procedural safeguards. Confidentiality of educational records applies to all students. These rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974.

All system personnel, including contracted employees, are governed by confidentiality requirements and receive training and information annually regarding the law. Written and dated parental consent must be obtained before personally identifiable information is disclosed to unauthorized individuals, organizations or agencies unless otherwise authorized to do so under FERPA. Personally identifiable information includes the following:

- The name of the student, the student's parent, or other family member
- The student's address
- Any personal identifier such as the student's social security number
- Any personal characteristics or other information that would make it possible to identify the student

FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools and most private schools. The school and district must comply with a request to inspect records within a reasonable amount of time, and in no case more than 45 days after the request has been made.

Authorized Access to Records

Each special education folder will have an access sheet attached to the left inside of the folder. All personnel reviewing the folder are required to sign his/her name, write in the date, and the purpose on the access sheet. Persons who have access to student records are listed below. Confidential information is stored in file cabinets and drawers that can be locked. Original copies of special education records are housed in the office of the Special Education Director. Special education records for students who no longer attend the school are stored in the special education vault.

Authorized Access to Records

- Director, Special Education
- School Psychologist
- Speech/Language Pathologist
- Physical Therapist
- Occupational therapist
- Teacher of the Visually Impaired
- Orientation and Mobility Specialist

- Principals
- School Counselors
- Special Education/Regular Education Teacher
- Vocational Rehabilitation Counselor

Student Records

For students enrolled in special education any reference to special education status documented in a student's permanent records would place the record under the Individuals with Disabilities Education Act (IDEA) confidentiality requirements. ***It is mandated that reference to special education status be maintained in a separate supplemental file and not specifically by reference on the student's permanent record/card. The permanent record/card should indicate that a supplemental file does exist and should be reviewed.*** Such a designation would indicate to any review that additional information is available and should be considered before drawing any conclusions regarding that student's record. Verbal references to a student's special education program should be carefully restricted only to professional staff working with the student or professional staff working in the interests of the student (this includes email/text or electronic communications).

Records Management

All official Special Education Records are maintained at the office of the Towns County Director of Special Education. All requests for records from transferring schools, Department of Juvenile Justice, parents, Social Security Administration, medical personnel, Department of Family and Children Services, etc. are handled at the registrar's office of the appropriate school, when the appropriate Release of Information has been provided. Schools must inform the Director of Special Education if a request for records has been received from another district. Records will be sent to transferring schools as soon as the child withdraws from Towns County Schools so that the student can be placed in the appropriate classes and receive the same services. All special education records will be sent from the special education department. The registrar at each school must notify the special education office immediately when a student transfers to Towns County Schools.

Prior Written Notice

Towns County Schools informs parents of actions being proposed or refused regarding their child by giving written notice before the district proposes or refuses to initiate or change the following:

- Identification (process to determine eligibility)
- Evaluation (nature and scope of assessment procedures)
- Educational placement (educational placement of children including graduation)
- FAPE (the provision of a free appropriate public education to children)

Prior Written Notice is often contained within the IEP document if the discussion occurred during an IEP meeting. At other times, Towns County Schools may respond in writing to a parent request with the following information:

- A description of the action refused or proposed by Towns County Schools
- An explanation of why Towns County Schools refuses or proposes to take the action
- A description of the evaluation procedure, assessment, records, or report used as a basis for the proposed or refused action
- A statement that the parents have the protections of the procedural safeguards
- The sources for the parents to contact in order to understand the procedural safeguards

- A description of other options the IEP team considered and the reasons why those options were rejected
- A description of other factors that are relevant to the district's proposal or refusal

Amendment of Records at Parent's Request

Parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request that Towns County Schools amend the information. The school system will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the school system decides to refuse to amend the information in accordance with the request, it will inform the parents of the refusal and advise the parents of the right to a hearing. The system will, on request, 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. If, as a result of the hearing, the school system decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parents in writing. If, as a result of the hearing, the system decides the information is accurate and not misleading or other-wise in violation of the privacy or other rights of the student, it must inform the parents of their right to place in the records it maintains on the child, a statement commenting on the information and setting forth the reasons for disagreeing with the decision of the school system. Any explanation placed in the records of the student is maintained by the school system as part of the records of the child as long as the record or contested portion thereof is maintained by the school system. If the records of the child, or the contested portion thereof, are disclosed by the school system to any party, the explanation will be disclosed to the party.

Destruction of Confidential Information

The Family Educational Rights and Privacy Act (FERPA) does not govern specific technical requirements for data destruction, the Towns County Schools Special Education Department, adheres to adopting best practices for data destruction. Part B of the Individuals with Disabilities Education Act (IDEA) requires public agencies to inform a student's parents when any Personally Identifiable Information (PII) collected, maintained, or used is no longer needed to provide educational services to the child. Subsequently, the information must be destroyed at the request of the parents (though a permanent record of a student's name, address, phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Part B of the IDEA defines the term "destruction" as the "physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable." Data destruction is the process of removing information in a way that renders it unreadable for paper records or irretrievable for digital records.

Towns County Special Education paper records are moved to locked, fire-proof filing cabinets in a vaulted room of the school chosen specifically for this purpose. This room remains locked at all times. Paper records are moved to this room when a student graduates from high school or withdraws from Towns County Schools. Paper records are kept for at least a ten year period after this time. This time may be extended by the school. In the event of a paper data destruction for the special education department, a notice is placed in the local newspaper for two weeks indicated to parents and former students the time period for which paper special education records are to be destroyed. The school destroys or hands over the originals of the special education paper records to

adult former students and parents when requested. The method of destruction of paper records for Towns County Schools Special Education Department is through shredding. This method renders the material unreadable.

In order to make digitally scanned records irretrievable from Towns County Schools' copy machines, the school has an agreement with RICOH to render the devices cleared prior to removing them from school property. Clearing is a method of sanitation that applies programmic, software-based techniques to sanitize data in all user-addressable storage locations for protection against simple non-invasive data recovery techniques; typically applied through the standard Read and Write commands to the storage device, such as by rewriting with a new value or using a menu option to reset the device to the factory state where rewriting is not supported.

Towns County Schools holds student information within the Infinite Campus School Information System (SIS). Data within this SIS is purged as directed by the school system. When data is purged by Infinite Campus upon direction from Towns County Schools, this sanitation method applies techniques that render the recovery to be infeasible.

