

Confidentiality

Confidentiality of educational records is a basic right of all students and their parents in public schools. These rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended (2006). Educational records may include, but are not limited to:

- Academic work completed and level of achievement
- Attendance data
- Scores and test protocols of standardized intelligence, aptitude, and psychological tests
- Interest inventory results
- Health data
- Family background information
- Information from teachers or counselors
- Observations and verified reports of serious or recurrent behavior patterns
- IEPs
- Documentation of notice and consent

Under certain circumstances, a teacher's working file would not be considered to be part of the child's record. FERPA regulation 34 C.F.R. 99.3, states that the term, "education records", does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record."

Emails regarding specifics about students (behavior, etc.) are not for the sole purpose of the maker, therefore are considered to be part of the student's educational records and may be requested.

Federal and State Requirements:

Each school shall annually notify parents of their rights under FERPA. This notice must inform parents or adult students that they have the right to:

- Inspect and review the student's education records;
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and Sec. 99.31 authorize disclosure without consent; and
- File a complaint under Sec.99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of FERPA.

The notice must also include all of the following:

- The procedure for exercising the right to inspect and review education records.
- The procedure for requesting amendment of records.

To ensure protection of education records, the school district must:

- Obtain written consent before disclosing personally identifiable information to unauthorized individuals. A parent must provide consent if the child is under 18 years of age.
- Designate and train a records manager to assure security of confidential records for students with exceptionalities.
- Each file of student records will have a list of persons who may access a student's file without signing a log sheet. Any person not on the list must submit a dated request of permission in writing stating the purpose for viewing records of a specific child. The Director will determine if a parent release of information is needed. Request will be filed in student's record.
- Maintain for public inspection a current listing of names and position of employees who may have access to personally identifiable information.
- Ensure that, if any record includes information on more than one student, a parent of a child must have the right to inspect and review only the information relating to his or her child, or to be informed of that specific information.
- Ensure that each person collecting or using personally identifiable information receives training or instruction regarding the policies and procedures governing confidentiality of personally identifiable information. The district must maintain a record of the training provided, the person or persons providing the training, dates of the training, those attending, and subjects covered.
- Provide a parent, upon request, a list of the types and locations of records collected, maintained, or used by the district.
- Respond to any reasonable request made by the parent for an explanation and interpretation of a record.
- Provide a parent, upon request, access to the child's records, and under certain circumstances, a copy of the records. Most districts copy records for parents without charge. However, the law does allow for fees for copies of records made for a parent if the fee does not prevent a parent from exercising the right to inspect and review those records. A fee may not be charged to search for or retrieve information.

(Adapted from KSDE Process Handbook)

Each district within the MAR-NEM COOP should have a FERPA notice available to provide to parents on an annual basis.

Teachers may provide an additional copy of the IEP to parents at their request. Parents are provided one copy after each IEP meeting.

All special education records are kept in the file room at the MAR-NEM COOP office and may be obtained by parents upon request. MAR-NEM COOP personnel may direct parents to the appropriate MAR-NEM COOP administrator, who will inform them of the correct procedure to obtain these records.

Noncustodial parents have a right to obtain the educational records of their children unless the custodial parent has provided a court order stating that they no longer have parental rights.

When discarding any document containing personally identifiable information, the document must be shredded to protect confidentiality. If access to a shredder is not available, the items may be brought to the MAR-NEM COOP for shredding. Each staff member is responsible for shredding the material.

MAR-NEM COOP will destroy student records after five years of students graduation date.