

Confidentiality Policy

Lindley Academy maintains education records for every scholar which may include any of the following personally identifiable information: confidential information –such as the scholar’s name, names of parents and other family members, the address of the scholar or scholar’s family– and personal information or personal characteristics which would make the scholar’s identity easily traceable.

The uses made of the information include, but are not limited to, the provision of appropriate educational programming, compliance with federal and state reporting requirements, academic placement, disciplinary processes, and to ensure proper educational support and services for each student.

Lindley Academy is required to obtain parental consent before disclosing personally identifiable information to anyone not entitled by law to see it. “Consent” means the scholar’s parents have been fully informed in their native language or mode of communication regarding the activity requiring consent, they understand and agree in writing to the activity, and they understand that consent is voluntary and may be revoked at any time.

In accordance with 22 Pa. Code 711.8(a)(b), any and all educational records for a student with a disability, including the most recent IEP, are transferred and forwarded to the requesting school within 10 days of a written request, without the need for “Consent”.

- (a) When the educational records for a child with a disability are transferred from a public agency, private school, approved private school or private agency, to a charter school or cyber charter school, the public agency, private school, approved private school or private agency from which the child transferred shall forward all of the child’s educational records, including the most recent IEP, within 10 days after the public agency, private school, approved private school or private agency is notified in writing that the child is enrolled in a charter school or cyber charter school.
- (b) When the educational records for a child with a disability are transferred to a public agency, private school, approved private school or private agency from a charter school or cyber charter school, the charter school or cyber charter school shall forward the child’s educational records, including the most recent IEP, within 10 days after the charter school or cyber charter school is notified in writing that the child is enrolled at another public agency, private school, approved private school or private agency.

Lindley Academy must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. All persons collecting or using personally identifiable information must receive training or instruction regarding Pennsylvania's policies and procedures regarding confidentiality. Lindley Academy must maintain a current listing of the names and positions of those employees who have access to personally identifiable information. Lindley Academy must comply with record maintenance requirements in accordance with FERPA and Chapters 711 and 12 of Title 22 of the Pennsylvania Code, together with directives of PDE with regard to record maintenance.

Lindley Academy must permit a parent to inspect and review any education records relating to the parent's child that are collected, maintained, or used by the charter school. A parent's right to inspect and review education records includes:

- A response from Lindley Academy to reasonable requests for explanations and interpretations of the records;
- Providing copies of the records if the parent cannot effectively inspect and review the records unless the parent receives those copies;
- The right to have a representative inspect and review the records;
- A presumption that a parent has authority to inspect and review records relating to the parent's child unless advised otherwise under applicable State law;
- On request, each charter school must provide the parent with a list of the types and locations of education records collected, maintained, or used by the Charter School;

Lindley Academy may charge a fee for copies of records (34 CFR §300.617) that are made for a parent, however, Lindley Academy may not charge a fee to search for or to retrieve information.

If a parent believes that information in the education records regarding the parent's child collected, maintained, is inaccurate, misleading, or violates the privacy or other rights of the child, the parent may request to change the information. Lindley Academy must decide whether to change the information in accordance with the parent's request within a reasonable period of time of receipt of the parent's request. Lindley Academy **must**, on request, provide the parent an opportunity for a hearing to challenge information in

education records regarding the parent's child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

If Lindley Academy decides not to amend the record as requested by the parent, it must inform the parent of the right to a hearing under the following procedures:

1. Lindley Academy will hold the hearing within a reasonable time after it has received the request for the hearing from the parent.
2. Lindley Academy will give the parent notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of Lindley Academy, who does not have a direct interest in the outcome of the hearing.
4. Lindley Academy will give the parent a full and fair opportunity to present evidence to challenge the content of the scholar's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.
5. Lindley Academy will make its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, Lindley Academy decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the scholar, it will amend the record accordingly and inform the parent of the amendment in writing. If Lindley Academy decides not to amend the record, it must inform the parent of their right to place a statement in the record commenting on the contested information and/or stating why they disagree with the decision. This statement must be maintained with the contested part of the record for as long as the record is maintained, and it must be disclosed whenever the part of the record to which it relates is disclosed.

Lindley Academy will ensure that any records kept or transmitted electronically are subject to high standards of electronic security. Lindley Academy uses electronic firewalls and encryption systems, and monitors and tests the system regularly to ensure its stability and integrity. All the Lindley Academy electronic mail correspondence shall include the following:

CONFIDENTIALITY NOTICE: This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential information and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply by email and destroy all copies of the original message.

The Chief Executive Officer (“CEO”) designates the Director of Special Education as the administrator responsible for the maintenance, access, use, and release of records for scholars with special education services. The CEO or their designee shall be responsible for the implementation of this policy.

The CEO or the Director of Special Education will be responsible for ensuring that the educational records, confidentiality policies and procedures (related to confidentiality of education records of scholars with special education services) are enforced and administered. Lindley Academy will notify parents on an annual basis of the policies and procedures regarding scholars with special education records and the rights of the parents under both Federal and State Law concerning confidentiality. Lindley Academy will develop a system of safeguards that will protect the confidentiality of personally identifiable information at the point of collection, storage, use, maintenance, release, and destruction.

Lindley Academy will maintain a written record of any scholar with special education services name, address, phone numbers, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for 100 years. Lindley Academy will send written notification to the parents which will inform the parents of their right to receive a copy of any material to be destroyed. Lindley Academy will not destroy education records containing information necessary for the education of scholars with special education services who are enrolled or have been enrolled in an education program operated by the school.

Lindley Academy will provide training and instruction in the implementation of records policy requirements for all Lindley Academy personnel who collect or use the personally identifiable information. Lindley Academy will maintain a current listing of the names and positions of those employees of Lindley Academy who have access to personally identifiable information of scholars with special education services. Educational records

will not be destroyed by Lindley Academy if there is an outstanding request to inspect and review it by the parent.