

### **3.30.25 Confidentiality Of Information**

Memphis Street Academy maintains records concerning all students enrolled in the school, including students with a disability or suspected of having a disability, in accordance with state law and federal law, namely, The Family Educational Rights and Privacy Act ("FERPA"). Confidentiality requirements applicable to use of information pertaining to disabled students apply equally to gifted students.

Identification activities undertaken by the School for a particular student constitutes an education record for them that the School maintains in the strictest confidence, as it does for all other education records that contain confidential and personally identifiable information. FERPA serves to protect education records and personally identifiable information such as the student's name, the name of the parent/guardian or other family member, the address of the student or family, student number or biometric record, indirect identifiers such as the student's date of birth or mother's maiden name, or a list of characteristics or other information that would make the student's identity easily traceable.

The School will gather information regarding a student's academic, intellectual, physical, mental, emotional and health functioning through testing and assessment, observation of the student, as well as through review of any records made available to the school from the student's physician and/or other providers of services such as any outside agencies.

The School stores all education records and personally identifiable information of students receiving special education services, disability accommodations or gifted services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention. These safeguards are assured by one school official being responsible for ensuring the confidentiality of the records. Training is provided to all persons who need to use the information. A current list of employees by names and positions who may have access to the information is maintained for public inspection.

Consent of the parent/guardian is required before personally identifiable information contained in a student's education records is disclosed to anyone other than officials of the school collecting or using the information for purposes of identification activities and evaluation, or for any other purpose in order to make available FAPE to the student. School officials have a legitimate educational interest in the education record if review of the education record is necessary in order to fulfill their professional responsibility. Additionally, upon request, the School discloses records without consent to officials of another school or school district in which a student seeks or intends to enroll.

Parents/guardians have a number of rights regarding the confidentiality of their student's records, including the right to inspect and review any education records pertaining to their student that are collected, maintained or used by the School. The School will comply with a parent/guardian's request to review the records without unnecessary delay, and before any meeting regarding planning for a student's special education program or Individual Education Program (IEP), and before a hearing in the event of disagreement about a student's special education needs. In no event may the School take more than 45 days to furnish a parent/guardian with the opportunity to inspect and review the student's records.

A parent/guardian of a student with, or suspected of having, a disability, has the right: to an explanation of the records; to be provided with a copy of the records if otherwise the parent/guardian would be effectively prevented from exercising the right to inspect and review the records; and to have a representative inspect and review the records upon authorization of parent/guardian.

The School will not charge a fee to search for or to retrieve information in response to a request from parent/guardian. The School may charge a fee of \$0.10 per page for copies of records that are made for parents/guardians, so long as the fee does not effectively prevent them from exercising their right to inspect and review those records. Upon request, the School will provide parent/guardian with a list of the types and location of education records collected, maintained or used by the School.

A parent/guardian of a student with, or suspected of having, a disability has the right to request the amendment of the student's education records, which the parent/guardian believes are inaccurate or misleading, or violates the privacy or other rights of the student. The School will decide whether to amend the records within a reasonable time of receipt of a parent/guardian's request. If the School refuses to amend the records, the parent/guardian will be notified of the refusal and right to a hearing. The parent/guardian will be given, at that time, additional information regarding the hearing procedures. Upon request, the School will provide the parent/guardian with a records hearing to challenge information in the student's education files. If, as a result of the hearing, the School still decides not to amend the record, the parent/guardian has the right to insert a statement which remains with the contested part of the student's record for as long as the record is maintained. These amendment procedures under FERPA cannot be used to challenge a grade, an individual's opinion, or a substantive decision made by the School about the student.

Once a student graduates from or leaves the School, the School will maintain a permanent record of the former student's name, telephone number, grades, achievement, attendance, classes attended, grade level completed and year completed, without time limitation. When information gathered is no longer needed to provide educational services to the student, such information shall be destroyed upon request of the parent/guardian or after written notice to the parent/guardian.

The School will ensure the destruction of education records in a manner that protects

the confidentiality and privacy rights of the student and their family. No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.

When a student reaches age 18, the rights of the parent/guardian regarding confidentiality of personally identifiable information is transferred to the student. A parent/guardian may file a written complaint alleging that the rights described in this notice were not provided to the following:

Pennsylvania Department of Education, Bureau of Special Education  
Compliance Division  
333 Market St.  
Harrisburg, PA 17126-0333

Complaints alleging failure regarding confidentiality of personally identifiable information may also be filed with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605