

## **CONFIDENTIALITY OF INFORMATION**

### **The policy assures that:**

- A. Parents may inspect and review any educational records relating to their children that are collected, maintained or used by the Southgate Academy. Without unnecessary delay, the Southgate Academy shall comply with parent request and in no case more than forty-five days after request (34 CFR §300.562).
- B. Procedures shall be established and implemented to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (34 CFR §300.572)(a).
- C. Parents may request amendment of records if they believe information in records is inaccurate, misleading or violates the privacy or other rights of their child (34 CFR §300.567).

### **Confidentiality of information (34 CFR §§300.560-300.576)**

### **Procedures include, but are not limited to:**

#### **Access rights (34 CFR §300.562)**

- 1. Responses to reasonable requests for explanations and interpretation of educational records will be provided to parents.
- 2. Parents will be given copies of records if failure to provide copies would prevent parent from inspecting and reviewing records.
- 3. A parent's representative will be given an opportunity to inspect and review the educational records.
- 4. The Southgate Academy may presume parent has authority to inspect and review records relating to his or her child unless the Southgate Academy has been advised that the parent does not have the authority under applicable State law. (e.g., guardianship, separation, divorce) (34 CFR §§ 300.562)(c)-ARS 15-761 (21)-AAC R7-2-405 (8) and AAC R7-2-401 (22).
- 5. A parent request for records will be provided without unnecessary delay, before any meeting regarding IEP or any hearing, and in no case more than 45 days after the request.

### **Notification of rights parents and eligible students (34 CFR §300.561)**

- 6. Notice will be distributed in the native languages of the various population groups in the Southgate Academy (34 CFR § 300.561(a)(4).
- 7. The Southgate Academy will inform parents by publishing a notice or announcement in newspapers or through other media, or both, with circulation adequate to notify local parents before any major identification, location, or evaluation activity (34 CFR §300.561)(b).
- 8. The Annual Notice will contain the following components:
  - a. Parents and eligible students have the right to inspect and review the student' s education record (34 CFR §99.7 and §300.564).
  - b. The procedure for exercising the right to inspect and review the student' s education record (34 CFR §99.7) within 45 days (34 CFR §§99.10 - §300.521 and §300.528).

- c. Parents and eligible students have the right to seek amendment of the student' s education record that is believed to be inaccurate, misleading, or in violation of the student' s privacy rights (34 CFR §99.7 and 34 CFR §300.567).
- d. The procedure for requesting amendment of the record (34 CFR §99.7).
- e. Parents and eligible students have the right to give consent before the release of personally identifiable information (except to the extent that the Act and 34 CFR §99.31 authorize disclosure without consent) (34 CFR §99.7).
- f. If, under, the Southgate Academy discloses information in the optional situations without prior consent, the notice must also include specification of criteria for determining who constitutes a school official (34 CFR §99.31(a),and
- g. What constitutes a legitimate educational interest (34 CFR §99.7(a)).
- h. Notice that rights regarding records transfer at age 18 (34 CFR §99.5(a) 34 CFR §300.574(b)).

**Record of access (34 CFR §300.563 and records on more than one child 34 CFR §300.564)**

- 9. The Southgate Academy will keep records of parties obtaining access to records, collected, maintained and used including name, access date, purpose for access.
- 10. If a record has information on more than one child, parents have a right to inspect and review only the information relating to their child.

**List of type and location of information (34 CFR §300.565)**

- 11. The Southgate Academy will maintain a list of types and locations of educational records that are collected, maintained, or used and provide a copy of the list upon request (34 CFR §300.565).

**Fees (34 CFR §300.566)**

- 12. The Southgate Academy will provide copies of records to the parent if failure to do so prevents the parent from inspecting or reviewing the records (34 CFR §300.562)(b)(2).
- 13. The Southgate Academy may charge for copies if the fee does not prevent inspection or review of the record (34 CFR §300.566)(a).
- 14. The Southgate Academy will not charge a fee to search or retrieve information (34 CFR §300.566)(b).

**Amendment of records at parent request (34 CFR §300.567)**

- 15. A parent may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights. (34 CFR § 99.7) and (34 CFR §300.567)(a).
- 16. The Southgate Academy will decide whether to amend information within a reasonable period of time (34 CFR §99.7) and (34 CFR §300.567)(a).
- 17. If the Southgate Academy refuses to amend, parents will be informed of the refusal and of the right to a hearing. (34 CFR §300.567)

**Opportunity for a hearing (34 CFR §300.568)**

- 19. If the parent requests a hearing, the Southgate Academy will provide an opportunity for a hearing to challenge information in records.

### **Result of hearing (34 CFR §300.569)**

20. After a hearing, the Southgate Academy will inform parents in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child (34 CFR §300.569)(a).
21. If the Southgate Academy makes a decision not to amend an education record, the parents will be informed of their right to place within the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of the Southgate Academy (34 CFR §300.569)(b).
  - a. The Southgate Academy will maintain the statement with the record or contested portion and
  - b. If the records are disclosed, the explanation will also be disclosed (34 CFR §300.569)

### **Safeguards (34 CFR §300.572)**

23. The Southgate Academy will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (34 CFR §300.572) (a).
24. An official will be designated to ensure the confidentiality of any personally identifiable information (34 CFR §300.572) (b).
25. All persons collecting or using personally identifiable information will receive training or instruction regarding policies and procedures under 34 CFR §300.127 and 34 CFR § 99.
26. The Southgate Academy will maintain a current list for public inspection of the names and positions of employees within the Southgate Academy who may have access to personally identifiable information. (34 CFR §300.572) (d).

### **Destruction of information (34 CFR §300.573)**

27. The Southgate Academy will inform the parent when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.
28. The Southgate Academy will destroy the information at the request of the parent. However, permanent record of name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

### **Children's rights (34 CFR §300.574)**

29. Children may be afforded rights of privacy similar to those afforded to parents, taking into consideration the age, of the student and type or severity of disability.
30. If the rights accorded to parents are transferred to a student with a disability who reaches the age of majority, the rights regarding educational records in will be transferred to the student (34 CFR §99) 5(a).
31. In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen.

### **Disciplinary information (34 CFR §300.576)**

32. The Southgate Academy will include 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.

33. The disciplinary information on students with disabilities will be transmitted to the same extent that disciplinary information is transmitted on nondisabled students.
34. The disciplinary statement may include a description of any behavior engaged in by the student, description of the disciplinary action take and any other information that is relevant to the safety of the student and other individuals.
35. If a student transfers from one school to another, the transmission of any of the student's records will include the current IEP, current evaluation and any statement of current or previous disciplinary action that has been taken against the student.
36. If a student transfers from one school to another, the transmission of any of the student's records to the receiving school will occur within the timeframe specified in State statutes and will not require the consent of the parent(s) (ARS 15-828(F-G)).