

### **Confidentiality of Personally Identifiable Information (300.127)**

HOPE Charter School gives notice that is adequate to fully inform parents about the requirements of this section including (1) a description of the extent that notice is given in the native language of the various population groups residing in HOPE Charter School; (2) a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods HOPE Charter School intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information; and (3) a summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and (4) a description of all the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in 34 CFR part 99. Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout HOPE Charter School of activity.

**Access rights.** HOPE Charter School permits parents to inspect and review any education records relating to their child that is collected, maintained, or used by HOPE Charter School under 34 CFR Part 300. HOPE Charter School complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to 300.507 and 300.521-300.528, and in no case more than 45 days after the request has been made.

The right to inspect and review education records under this section includes (1) the right to a response from HOPE Charter to reasonable requests for explanations and interpretations of the records; (2) the right to request that HOPE Charter School provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and (3) the right to have a representative of the parent inspect and review the records. An LEA may presume that the parent has the authority to inspect and review records relating to his or her child unless HOPE Charter School has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

**Record of access.** HOPE Charter School keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**Records on more than one child.** If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

**List of types and locations of information.** HOPE Charter School provides parents on request a list of types and locations of education records collected, maintained, or used by HOPE Charter School.

**Fees.** HOPE Charter School may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. HOPE Charter School does not charge a fee to search for or to retrieve information under 34 CFR Part 300.

**Amendment of records at parent's request.** A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request that the information maintained by HOPE Charter School, be amended. HOPE Charter School decides whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If HOPE Charter School decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to a hearing under 300.568.

**Opportunity for a hearing.** HOPE Charter School, on request from the parent, provides 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.

**Results of hearing.** If, as a result of the hearing, HOPE Charter School decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing. If, as a result of the hearing, HOPE Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it informs the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of HOPE Charter School. Any explanation placed in the records of the child under this section (1) is maintained by HOPE Charter School as part of the records of the child as long as the record or contested portion is disclosed by HOPE Charter School to any party; the explanation is also disclosed to the party.

**Hearing procedures.** A hearing held under 300.568 is conducted according to the procedures under 34 CFR 99.22.

**Consent.** Except as to disclosures addressed in 300.529(b) for which parental consent is not required by 34 CFR Part 99, parental consent is obtained before personally identifiable information is (1) disclosed to anyone other than officials of participating agencies collecting or using the information under 34 CFR Part 300, subject to this section; or (2) used for any purpose other than meeting a requirement of 34 CFR Part 300. HOPE Charter School will not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99. If a parent does not consent to release information to the educational agency, which information has been determined to be necessary to evaluate the student under Part 300, the educational agency may, after unsuccessful attempts to obtain consent from the parent, seek permission to evaluate the student and if necessary gain a decision from a hearing officer when consent is not forthcoming from the parent.

HOPE Charter School protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at HOPE Charter School shall assume

responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding PA's IDEA-B policies and procedures under 300.127 and 34 CFR Part 99. Each LEA shall maintain, for public inspection, a current listing of the names and positions of those employees within HOPE Charter School who may have access to personally identifiable information.

**Destruction of information.** HOPE Charter School informs parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational service to the child. The information is destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

**Children's rights.** HOPE Charter School provides policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability. The age of majority in Pennsylvania is 21 years, thus IDEA rights of parents do not transfer to students at age 18. Under the regulations for the Family Educational Rights and Privacy Act of 1974 (34 CFR 99.5(a)), the rights of parents regarding education records are transferred to the student at age 18.

**Disciplinary information.** HOPE Charter School includes 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 and transmits the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the child transfers from one school to another, the transmission of any of the child's records includes both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.