

SCOTTSBLUFF PUBLIC SCHOOLS
Scottsbluff, Nebraska

SPECIAL EDUCATION - Accessibility and Confidentiality of Records

- A. Scottsbluff Public Schools shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
 - 1. The principal of each school in the district shall assume responsibility of any personally identifiable information.
 - 2. All persons collecting or using personally identifiable information must receive training regarding the state's policies and procedures.
 - 3. The district shall maintain, for public inspection, a current listing of the names and positions of those employees within the district who may have access to personally identifiable information.

- B. The parents of a child with a disability or the child with a disability, if the child has attained 18 years of age (type and severity of the child's disability shall be taken into consideration), shall be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation and educational placement of the child and the provision of a Free Appropriate Public Education (FAPE) to the child or the provision of early intervention services to infants and toddlers.

- C. Scottsbluff Public Schools shall provide notice consistent with federal and state laws to ensure that parents of children with disabilities have the opportunity to participate in meetings for the purposes of identification, evaluation, educational placement and FAPE.
 - 1. A meeting does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP.
 - 2. A meeting does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

- D. Scottsbluff Public Schools shall permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the district.
 - 1. Scottsbluff Public Schools shall comply with such a request without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP) or hearing relating to the identification,

evaluation or placement of the child, and in no case more than 45 days after the request has been made.

2. The right to inspect and review education records includes:
 - a. The right to a response from the district to reasonable requests for explanation and interpretations of the records;
 - b. The right to request that the district 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
 - c. The right to have a representative of the parent inspect and review the records.
3. Scottsbluff Public Schools shall comply with such a request without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP) or hearing relating to the identification, evaluation or placement of the child, and in no case more than 45 days after the request has been made.
4. The right to inspect and review education records includes:
 - a. The right to a response from the district to reasonable requests for explanation and interpretations of the records;
 - b. The right to request that the district 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
 - c. The right to have a representative of the parent inspect and review the records.
- E. Scottsbluff Public Schools shall keep a record of parties obtaining access to education records collected, maintained or used (except access by parents and authorized employees of the district), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
- F. If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.
- G. Scottsbluff Public Schools shall provide parents, on request, a list of the types and locations of education records collected, maintained or used by the district.

- H. A parent who believes that information in education records collected, maintained, or used is inaccurate or misleading, or violates the privacy or other rights of the child, may request Scottsbluff Public Schools to amend the information.
 - 1. The district shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
 - 2. The district shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
 - 3. If the district decides to refuse to amend the information in accordance with the request, it shall inform the parents of the refusal, and advise the parent of the right to a local administrative review to be conducted in accordance with federal and state laws.

- I. Parental consent must be obtained before personally identifiable information is disclosed to anyone other than officials of Scottsbluff Public Schools collecting or using the information unless specifically not required in the Family Education Rights and Privacy Act and its implementing regulations, 34 CFR Part 99.

- J. Scottsbluff Public Schools shall retain special education records for five (5) years after the completion of the activities for which special education funds were used.
 - 1. The district shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.
 - 2. The information which is no longer necessary to provide educational services to the child must be 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.

**Legal Reference: Federal Regulation 34
CFR 300; Nebraska
Statutes 79-1110 to 79-1178; 92 NAC 51-009.01**

Approved:

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