



Section: 6000 Students

Title: EC Confidentiality Policy

Code: 6008

Status: Active

Adopted: May 25, 2016

Revised:

The Board recognizes its obligation to comply with applicable state and federal laws concerning the education of students with disabilities, including the Individuals with Disabilities Education Act ("IDEA"). Pursuant to State Board of Education Policy GCS-D-007, all matters pertaining to the confidentiality of and access to special education records are subject to the provisions of 34 CFR 300.610 through 300.627 and 34 CFR Part 99 (Regulations under the Family Educational Rights and Privacy Act ("FERPA")).

Each school operated by the Board will protect the confidentiality of personally identifiable information in special education records at collection, storage, disclosure, and destruction stages. One staff person at each school will assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under NC 1501-4.3 and 34 CFR Part 99.

Each school will maintain, for public inspection, a current listing of the names and positions of those school employees who may have access to personally identifiable information.

Student Files – Security and Access

In addition to cumulative files, each school will maintain separate files with Student Exceptional Children (EC) records and 504 plans. These files will be accessible only by authorized individuals in accordance with state and federal policy.

Record request forms will be used to request records from previous schools after a student has enrolled at the school. Once the registrar receives this signed form from the parent/guardian, it is faxed to the previous school. If the records are not received in a timely manner, a follow-up process will be followed with documentation of contact attempts. Student records will be maintained in locked cabinets in a secure area of the school. We will comply with FERPA and state policies related to reading, inspecting, or copying a student's educational records. All employees of the school will receive training, at least annually, related to the confidential nature of student records.

EC records will be organized with the most current Individualized Education Program forms on top. The previous years' forms will be arranged chronologically in descending order, with initial placement documentation at the bottom of the file. Student 504 files will be organized in a



comparable manner with the most recent Section 504 Accommodations Plan at the top of the file.

In accordance with NC 1504-1.2, a parent/guardian of a child with a disability will be afforded an opportunity to inspect and review all education records related to the identification, evaluation, and educational placement for the child and the provision of a Free Appropriate Public Education (FAPE) to the child.

In accordance with NC 1505-2.5, the school will utilize a File Access Log to keep a record of all parties obtaining access to a student's EC records, including the name of the party, the date access was given, and the purpose for which the party is authorized to view the records. Parental consent will be obtained before personally identifiable information is disclosed to parties, other than those officials exempt under NC 1505-2.13(b)(1).

Adopted: 5/25/16

Reviewed:

Revised:

Legal Reference: 20 U.S.C. 1400, et. seq. 34 CFR Part 99 [N.C.G.S. 115C-106](#), et. seq. NC Policies Governing Services for Children with Disabilities, [NC 1505-2.13\(b\)\(1\)](#).