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ADAMS WELLS SPECIAL SERVICES COOPERATIVE

POLICY FOR CONFIDENTIALITY

Adams Wells Special Services Cooperative (AWSSC) permits a parent or student, 18 years of age or older, to inspect and review any educational records relating to his/her child aged birth through 17 years of age, which are collected, maintained or used by the school pertaining to Article 7. All rights listed pass to the student when the child reaches eighteen (18), unless the student has been adjudicated.

AWSSC provides written notice annually to parents of students currently in attendance, or student of legal age currently in attendance of their rights regarding confidentiality of personally identifiable information through annual distribution of procedural safeguards.

AWSSC will comply with a request to view records without unnecessary delay and no more than 45 calendar DAYS AFTER A REQUEST BY PARENT OR STUDENT HAS BEEN MADE. If a parent or their representative requests to review their child's educational record, they should call the AWSSC office. The corporation or program coordinator will then make an appointment with the parent to go over their child's record. AWSSC will provide the parents copies of their child's records and a fee will be charged based on the local corporation's schedule.

AWSSC will permit a custodial and non custodial parent to inspect and review the records unless AWSSC has received actual written notice that a court order has terminated or restricted the parent's authority to access the records.

AWSSC will maintain, for public inspection, a current listing of the names and positions of those employees who have access to personally identifiable information. These include:

- Teachers of Record/Teacher of Services
- General Education Teachers who have the child in their class
- Building Administrators
- Guidance Counselors
- Corporation/Program Coordinators
- Director of Special Education
- Clerical Staff at AWSSC
- Psychologists
- Related Services Personnel
- Behavior Consultants

AWSSC keeps a record of persons obtaining access to educational records which is maintained in student files.

AWSSC will provide the parent, on request, a list of types and locations of educational records collected and maintained and used by the schools. These include:

AWSSC Files	School Records	Teacher Records
Multidisciplinary Report Eligibility Criteria Observation Social/Developmental History Permission for Evaluations IEP's Release of Records Referral Information Written Notices Correspondence Test Protocols	Multidisciplinary Reports IEP's	Multidisciplinary Reports IEP's

If any educational record includes information on more than one child, the parent of the child will have the right to review and inspect only those records that relate to their child.

Custodial and non-custodial parents have the same rights unless restricted by a court order.

A parent who believes information in their child's educational record is inaccurate, misleading, or violates the privacy or other rights of the child, may request AWSSC amend the information.

If AWSSC refused to amend the information as requested, the public agency must notify the parent or student of legal age of the refusal, in writing, within ten (10) business days after the request if received. The written notice must include a statement of the right of the parent or student of legal age to a hearing to challenge the information in the student's educational record and the procedures for the hearing, including the following:

1. The parent or student of legal age must submit to AWSSC a written request for a hearing, specifying the:
 - a. Information challenged; and
 - b. Reasons the parent or student of legal age believes the information to be:
 - i. Inaccurate;
 - ii. Misleading; or
 - iii. In violation of the student's privacy or other rights.
2. AWSSC and the local district must:
 - a. Convene a hearing within fifteen (15) business days after the request for the hearing is received.
 - b. Notify the parent or student of legal age, in writing, of the hearing:
 - i. Date;
 - ii. Time; and
 - iii. Location;

Not less than five (5) business days in advance of the hearing.

The student's educational record is confidential; however, regulations permit sending the educational record to a student's new school and to law enforcement when criminal activity is reported. In all other cases, AWSSC will not disclose information unless we have received written parental consent or have initiated a due process hearing in order to have the records released with 511 IAC 7-45.

AWSSC will attempt to inform the student when their educational record is no longer used or maintained (three (3) years from the date the student would have graduated or exited from school). A

notice is placed in area newspapers stating that educational records will be destroyed for students whose date of birth occurs in a particular year. A permanent record of the child's name, address, programs and related services, and year the student exited from special education may be kept by AWSSC.

AWSSC provides training regarding confidentiality provisions for all persons collecting or using personally identifiable information.

AWSSC may disclose personally identifiable information from an educational record only on the condition that the party to whom the information is disclosed will not re-disclose the information to any other party without the prior consent of the parent unless they are made pursuant to court orders or subpoenas.

AWSSC may initiate due process procedures in the event that a parent refuses to provide consent to disclose records.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

REQUEST OF RECORDS PROCEDURES

When Requesting Records:

1. When requesting records from agencies (i.e. hospitals, private psychologists, physicians or schools), complete the Authorization for Release/Exchange of Information.
2. After the parents have signed the Authorization for Release/Exchange of Information Form please forward the copy to the AWSSC office.
3. AWSSC will then request records.
4. Upon receipt of records, AWSSC will forward a copy immediately to the school.

When a Student Moves Out Of An AWSSC School:

1. The special education teacher informs AWSSC that the student has moved by using the Withdrawal Form and forwards it to the AWSSC office.
2. When a request for records is made by the receiving school, AWSSC copies the most recent IEP, psychological report, and disciplinary report and forwards a copy to the new school.
3. AWSSC must maintain a record of each record request for access to and disclosure of personally identifiable information from the special education record of each student, except when the disclosure has been by or to:
 - A parent of student of legal age
 - A party with written consent from the parent or student of legal age
 - A party seeking directory information
 - An authorized public agency official
 - A party receiving the record pursuant to a lawfully issued subpoena or other court order specifically stating that the following will not be disclosed:
 - The existence and contents of the subpoena or other court order
 - The information furnished in response to the subpoena or other court order

The record of access and disclosure must be maintained with the educational record as long as the educational record is maintained and must include:

- The name of the person who has requested or received personally identifiable information from the educational record
- The purpose of the party in requesting or obtaining the information
- The date of the disclosure of the information

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

AMENDING EDUCATIONAL RECORDS POLICY AND PROCEDURES

A parent or student of legal age who believes that information in an educational record is inaccurate, misleading, or violates the privacy of the student, may request that AWSSC amend the information.

The request to amend records must be in writing, dated, and specify the information that is believed to be inaccurate, misleading, or violates the student's privacy.

AWSSC must amend the information within ten (10) **business** days after the request is made and notify the parent or student of legal age, in writing, that the change has been made and indicating the date the change was made.

If AWSSC refused to amend the information as requested, the public agency must notify the parent or student of legal age of the refusal, in writing, within ten (10) business days after the request is received. The written notice must include a statement of the right of the parent or student of legal age to a hearing to challenge the information in the student's educational record and the procedures for the hearing, including the following:

1. The parent or student of legal age must submit to AWSSC a written request for a hearing, specifying the:
 - a. Information challenged; and
 - b. Reasons the parent or student of legal age believes the information to be:
 - 1) Inaccurate;
 - 2) Misleading; or
 - 3) In violation of the student's privacy or other rights.
2. AWSSC and the local district must:
 - a. Convene a hearing within fifteen (15) business days after the request for the hearing is received.
 - b. Notify the parent or student of legal age, in writing, of the hearing:
 - 1) Date;
 - 2) Time; and
 - 3) Location;Not less than five (5) business days in advance of the hearing.
 - c. The hearing may be conducted by any person, including an official of the public agency, who does not have a direct interest in the outcome of the hearing.
 - d. The parent or student of legal age:
 - 1) Must be given a full and fair opportunity to present evidence relevant to the issues; and
 - 2) May, at their own expense, be assisted or represented by one (1) or more persons, including an attorney.
 - e. The hearing officer must notify the parent or student of legal age of the hearing decision in writing within ten (10) business days after the hearing. The decision must:
 - 1) Be based solely on evidence and testimony presented at the hearing; and
 - 2) Include a summary of the evidence and the reasons for the decision.
 - f. If the hearing officer determines the information in question is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency must:

- 1) Amend the information accordingly; and
 - 2) Inform the parent or student of legal age in writing of the amendment.
- g. If the hearing officer determines the information in question is not inaccurate, misleading, or otherwise in violation of the privacy or other right of the student, AWSSC must inform the parent or student of legal age in writing of the right to place a statement in the student's record commenting on the contested information or stating the reasons for disagreeing with the decision, or both.
- h. A statement placed in the record by the parent or student of legal age under paragraph (g) above must be maintained by AWSSC in the student's record as long as the record or the contested portion of the record is maintained by the public agency, AWSSC must disclose the statement whenever it disclosed the record or the contested portion of the record to which the statement relates.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

COLLECTION AND MAINTENANCE OF EDUCATIONAL RECORDS POLICY AND PROCEDURES

AWSSC protects the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. One official in each building is responsible to ensure the compliance with confidentiality policy. Training is given for all persons collecting or using personally identifiable information with regards to confidentiality and procedural safeguards.

AWSSC maintains a current listing of the names and positions of those employees who are authorized to access personally identifiable information. AWSSC informs parents or students of legal age, when personally identifiable information that was collected, maintained, or used is no longer needed to provide educational services to the student. AWSSC maintains a student's educational record for at least three (3) years after the student exits from special education.

AWSSC maintains a permanent record of the student's name, address, telephone number, disability category, and evaluation dates.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

DESTRUCTION OF STUDENT RECORDS PROCEDURES

Adams Wells Special Services Cooperative maintains a student's education record for at least three (3) years after the student exits from the special education program due to graduation or aging out the program. If there is a request to inspect and review a student's record during this time, AWSSC will not destroy these educational records until the parent or student has reviewed and inspected the record.

Adams Wells Special Services Cooperative attempts to inform students/parents when their educational record is no longer used or maintained. A notice is placed in area newspapers stating that educational records will be destroyed for students whose date of birth is in a particular year. The notice in the papers indicates student records will only be released with written/verbal requests that are received within 30 days. After 30 days, educational records will be destroyed.

A permanent record of the child's name, address, programs and related services, and year the student exited from special education may be kept by AWSSC.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

CHARGE FOR COPYING RECORDS

As of October 2012, Adams Wells Special Services Cooperative (AWSSC) has changed their policy on charging a monetary fee for copying records. The fee needs to be paid in cash and prior to AWSSC copying the records. AWSSC has adopted the same policy as North Adams Community Schools who serves as the LEA for AWSSC.

While the initial copies of records requested by parent will be at no cost, parents will be charged for subsequent copies based on the following policy:

The following has been approved as part of Board Policy.

The Board establishes the following fee schedule for public records. These fees will be uniform through the corporation and uniform to all purchasers.

A. Copies

The greater of:

1. Ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
2. The actual cost of copying the document. "Actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs.

B. Certification of document five dollars (\$5.00)

C. Other

The Corporation may charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the Corporation or entrusted to it that does not exceed the sum of:

1. The Corporation's direct cost of supplying the information in that form; and
2. The standard cost of selling the same information to the public in the form of a publication if the Corporation has published the information and made the publication available for sale.

NOTE: The parent is encouraged to meet with the corporation or program coordinator to review their child's file prior to requesting records.

Adams Wells Special Services Cooperative

925 North Main Street – Bluffton, IN 46714

(260) 824-5880 ~ Fax (260) 824-8654

AUTHORIZATION FOR RELEASE/EXCHANGE OF INFORMATION

STUDENT: _____ DOB: _____

SCHOOL: _____ GRADE: _____ GENDER: Male Female

PARENT NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

HOME PHONE: _____ WORK PHONE: _____

<input type="checkbox"/>	PERMISSION IS GRANTED
<input type="checkbox"/>	PERMISSION IS <u>NOT</u> GRANTED

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

TO EXCHANGE INFORMATION	<input type="checkbox"/> Verbally	<input type="checkbox"/> In Writing	REGARDING THE ABOVE NAMED STUDENT WITH:
TO RELEASE INFORMATION	<input type="checkbox"/> Verbally	<input type="checkbox"/> In Writing	REGARDING THE ABOVE NAMED STUDENT TO:
TO RECEIVE INFORMATION	<input type="checkbox"/> Verbally	<input type="checkbox"/> In Writing	REGARDING THE ABOVE NAMED STUDENT FROM:

_____ (school, agency, clinic, professional)

_____ (address, city, state, zip)

THE SPECIFIC INFORMATION TO BE RELEASED/EXCHANGED

<input type="checkbox"/> PSYCHOLOGICAL RECORDS	<input type="checkbox"/> PHYSICAL THERAPY/OCCUPATIONAL THERAPY
<input type="checkbox"/> IEP (goals and objectives)	<input type="checkbox"/> SPEECH/LANGUAGE THERAPY REPORTS
<input type="checkbox"/> PSYCHIATRIC RECORDS	<input type="checkbox"/> VISION/AUDIOLOGY REPORTS
<input type="checkbox"/> ORIGINAL REFERRAL FORM	<input type="checkbox"/> SUBSTANCE ABUSE*
<input type="checkbox"/> MEDICAL REPORTS	* student must sign if substance abuse information may be included in any reports requested.
<input type="checkbox"/> TREATMENT RECORDS	<input type="checkbox"/> OTHER
Requested by: _____	

I understand that when my information is used or disclosed pursuant to this authorization, it may be subject to redisclosure by the recipient and my no longer be protected by the federal HIPAA Privacy Rule. I have been informed that I have access to and may review any or all of my child's school records and if so desire, to challenge the content of the records. All educational records are protected by the Federal Education Rights and Privacy Act (FERPA).

This release is valid for one year from date of permission. At any time I may revoke this release in writing.

_____ (parent/guardian signature)

_____ (date)

_____ (student signature)

_____ (date)

This authorization complies with HIPAA and Indiana Law.