

DEWITT-LAVACA SPECIAL EDUCATION COOPERATIVE

CONFIDENTIALITY OF SPECIAL EDUCATION RECORDS

What is confidential information?

Information gathered during the referral and evaluation process. Admission, Review and Dismissal Committee minutes, and a student's individual educational plan are considered confidential.

Where is it kept?

The collected data is kept in an eligibility folder at the student's home campus and a backup copy is kept at the Special Education Cooperative office. It is the responsibility of the Executive Director of Special Education to protect the confidentiality of special education records. Copies of the student's initial evaluation and individual education plan (IEP) may be kept by the special education teacher and he/she is responsible for protecting their confidentiality. A copy of the student's initial evaluation and discipline plan may also be filed in the principal's office.

Upon termination of special education services all confidential data is combined and filed in the Special Education Cooperative office. The information will be maintained until seven (7) years after the student no longer needs special education services. Before the destruction of the records, the school will attempt to notify the parents in writing so that they may request copies.

If the parents request that the information be destroyed, the district may retain 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.

Who may see this information?

The following have access to this information:

- The parent or legal guardian of handicapped students
- The student if 18 years of age or older
- Professional employees of the local school district, Special Education Cooperative or Regional Education Service Center who are working directly with the student
- Employees of the Texas Education Agency conducting official monitoring duties

Persons viewing the folders record on the access sheet in the folder, their name, agency, and date of use.

What are the procedures for reviewing the folders?

A parent, legal guardians, the students who are 18 years of age or older should make a written request to the superintendent and should be able to inspect and review the collected records that are maintained, or used by their school for special education purposes without unnecessary delay. The records will be available for review *within* 15 working days from the request.

The records may be reviewed in the presence of school personnel.

Can information be amended?

A parent, legal guardian, or student 18 years of age or older who believes that the information in the folder is inaccurate or misleading, or violates the privacy or other rights of their child (or of the adult student) may request that the information be amended. The written request should be made to the superintendent. He/she will contact the appropriate personnel within 7 days to evaluate the request.

The parent, legal guardian, or student 18 years of age or older will be notified of the decision. If the district refuses to change the information as requested, it must inform the parent, legal guardian, or adult student of the refusal and of their right to a hearing.

How can copies be obtained?

A parent, legal guardian, or student 18 years of age or older may make a written request to the campus or to the Executive Director of Special Education for copies of the contents of the eligibility folder. A copying fee of 15 cents per page may be assessed. A copy of the current ARD (Admission, Review, Dismissal), IEP (Individual Education Plan) and FIE (Full and Individual Evaluation) will be furnished to the above, at no charge, upon request.

Parents may be denied copies of the records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of post-secondary education, or if they fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.

Schools, physicians, and other agencies providing services to the student may be sent copies only with the written permission of the parent, legal guardian, or the adult student.

Additional sources for you to contact to obtain assistance in understanding the provisions of Notice of ARD Committee meeting, Notice of Full and Individual Evaluation, Permission for Full and Individual Evaluation, or any other written communication:

Brian Billstein, Executive Director
DeWitt-Lavaca Special Education Cooperative
(361) 293-2854

Region III Education Service Center
(361) 573-0731