



C H A R T E R   S C H O O L

YouthBuild Philadelphia Charter School  
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## **Confidentiality of Special-Education Student Information**

Every effort is made throughout the screening, referral and evaluation process to strictly maintain the confidentiality of student information and protect the student's privacy rights, in accordance with the Federal Family Educational Rights and Privacy (FERPA) Law. FERPA provides parents with certain rights with respect to the disclosure of their student's educational records and the personally-identifiable information contained in those records. FERPA also provides that, when the student reaches age 18, the rights of the parent are transferred to the student. Since all YouthBuild Philadelphia students are at least 18 years old, all parental rights described below with regard to the confidentiality of personally-identifiable information are held by the student. (Accordingly, the term "parent" has been replaced by "student" below.)

### Personally-Identifiable Information

The term "personally-identifiable information" includes the student's name, the name of the student's parents or other family member, and a list of characteristics that would make the student's identity easily traceable. Input from parents is also an information source for identification of a student. YouthBuild Philadelphia protects the confidentiality of personally-identifiable information by (1) having the School's Compliance Coordinator be responsible for ensuring the confidentiality of the students' educational records, (2) training annually all staff persons using the students' personally-identifiable information, and (3) maintaining for public inspection file-access logs, which a list of staff's names and the reasons for which they have had access to student records containing personally-identifiable information.

Student consent is required before personally-identifiable information contained in their education records is disclosed to anyone other than officials of YouthBuild Philadelphia collecting or using the information for purposes of identifying, locating, and evaluating the student, or for any other purpose in making a free appropriate public education (FAPE) available to the student. A School official has a legitimate educational interest in collecting or using a student's personally-identifiable information, if the official needs to review an education record in order to fulfill his/her professional responsibility.

Additionally, YouthBuild Philadelphia, upon request, discloses student educational records, without the student's consent, to officials of another school district or charter school in which the student seeks or intends to enroll. YouthBuild Philadelphia is required to forward a student's educational records, including the most recent IEP, within 10 school days after it has been notified, in writing, that the student has enrolled at another educational institution.

YouthBuild Philadelphia will inform students when this personally-identifiable information is no longer needed to provide educational services to a student, and the School will destroy the information at the

request of the student. However, general information—such as the student’s name, address, phone number, grades, attendance record, classes attended, and grade-level completed—may be maintained by the School without time limitation.

#### Records of Students Who Are Reported to Law Enforcement for Criminal Activity

Whenever YouthBuild Philadelphia has reported a crime by a student with a disability, the Operations Manager will ensure that copies of the student’s special education and disciplinary records are transmitted to the appropriate law enforcement and judicial authorities for their consideration. However, such a transmission of the student’s records may only be made to the extent that the transmission is permitted by FERPA.

#### Students’ Rights to Access Educational Records

Students with disabilities have a number of rights regarding the confidentiality of their records. One is the right to inspect and review any of their educational records that are collected, maintained, or used by the School. YouthBuild Philadelphia will comply with a request from students to review the records without unnecessary delay (1) before any meeting regarding planning for the student’s special-education program (an IEP meeting), and (2) before a hearing should the student and the School disagree about how to educate the student who needs special education. In no event will it take more than 45 days to furnish students with the opportunity to inspect and review their records. Students also have the right to (1) an explanation and interpretations of their records, (2) be provided copies of their records at no charge, if failure to provide the copies would effectively prevent them from exercising their right to inspect and review the records, and (3) have a representative inspect and review their records. Upon request, YouthBuild Philadelphia will provide students with a list of the types and the location of education records collected, maintained, or used by the School.

#### Students’ Right to Request Amendment of Records

Students have the right to request amendment of their education records that they believe are inaccurate or misleading, or violate their privacy or any other of their rights. YouthBuild Philadelphia will decide whether to amend the records, within a reasonable time, after the receipt of the student’s request. If School administrators refuse to amend the records, the student will be notified of the refusal and his/her right to a hearing. At that time, the student will be given additional information regarding the hearing procedures and, upon request, YouthBuild Philadelphia will provide the student with a records-hearing to challenge information in their educational files.

A student may file a written complaint alleging that the rights described in this notice were not provided. The complaint should be addressed to: Pennsylvania Department of Education, Bureau of Special Education, Division of Compliance, 333 Market Street Harrisburg, PA 17126-0333. The Department of Education will investigate the matter and issue a report of findings and necessary corrective action within 60 days. The Department will take necessary action to ensure compliance is achieved. Complaints alleging failures of YouthBuild Philadelphia Charter School with regard to confidentiality of personally-identifiable information may also be filed with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.