MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: **Special Education: Access to Confidential Educational Records**	Policy Number: **4**
Number of Pages: **6**	Section: **XII**
Attachments **Persons Having Access to Confidential Student Files** **Records Access Log** **Notice of Release of Confidential Student Information** **Release of Records Form**	Related Standards & References **Individuals with Disabilities Education Act (IDEA '97) and Regulations** **Individuals with Disabilities Education Improvement Act (IDEIA '04)** **Mississippi Nonpublic School Accountability Standards, 2004** **Mississippi Department of Education, Office of Special Education Policies and Procedures (2003)**
Effective Date: **06/09/2006** Revised: 10/06/2008 Reviewed: 12/15/2009	Approved: Kathy Pittman, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS), that the school programs respect and monitor the privacy rights of individuals and families by limiting access to confidential educational records to authorized individuals only.

II. DEFINITIONS

As used in this policy, the following definitions apply:

The Family Educational Rights and Privacy Act (FERPA) - affords parents and students over 18 years of age certain rights with respect to the student's education records. These rights are (1) the right to inspect and review the student's education records within 45 days of the day the school receives a request for access (2) the right to request an amendment of the student's education records that the parent or eligible student believes are inaccurate and (3) the right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extend that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, instructor, counselor, or support staff member (including health or medical staff and law enforcement unit personnel; a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (i.e. therapists, auditor, etc). FERPA requires a school district to make reasonable attempts to notify the parent or student of these records requests unless it states in its annual notification that it intends to forward records on request.

III. PROCEDURE

A. Students' original special education records must be maintained in a locked fireproof file cabinet in a secure area. In order for teachers to effectively comply with each student's IEP, it is

imperative for them to have a copy of the IEP in the classroom. IEP's utilized in the classroom shall be maintained in the student's personal folder. This folder is generally kept at the teacher's desk and serves as an instructional resource for the teacher. Each teacher shall maintain these files in a lockable filing cabinet when not in use. IEP's are provided only to individuals who play a role in the education of the student(s).

B. Clearly post a listing of staff positions (not names) having access to confidential student records using the Access to Confidential Student Files form near the file cabinet.

1. Staff positions on this list may include: facility administrators, special education and regular education classroom teachers, instructors, counselors, mental health staff, etc.
2. Regular education classroom teachers have full access to the special education records of the students they teach. Each teacher shall receive a copy of the student's full IEP.
3. These staff positions are not required to sign the Record Access Log when reviewing a student's file.
4. Individuals who do not have access to students' files may obtain permission through the Special Education Coordinator and/ or Director of Education. A written request must be made outlining the reasons for needing access to the confidential information files. FERPA guidelines will be adhered to. Written parental consent will be required and must be documented on the Education Records Release Form.

C. All individuals who are approved to review confidential student information, but are not identified on the Access to Confidential Student Files Form must sign the Record Access Log that is included in each student's file. This includes include contractual service providers such as Speech Language Pathologists, Occupational Therapists, Attorneys, employees of Mississippi Department of Education, etc.

D. In accordance with The Family and Educational Right and Privacy Act (FERPA), individuals or entities not list in the categories above, will not have access to educational records unless the parent/ guardian signs an Education Records Release Form that identifies the name and address of the party to which records shall be released.

E. Once the records have been released, a Notice of Release of Confidential Student Information Form will be forwarded to the parent/ guardian.