

Legal Regulations for Confidentiality

- FERPA (Family Education Rights and Privacy Act)
- IDEA (Individuals with Disabilities Education Act)

FERPA's Rules for the Disclosure of Records

- Disclose to parents or eligible students upon request.
- Consent of parent or eligible student required for disclosure to anyone else unless one of the exceptions to consent applies.
- Inspection and review of all education records by parent or adult student.
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- No right to copy unless circumstances effectively prevent parent or eligible student from exercising the right to inspect and review.
- This right is very broad and encompasses virtually every document pertaining to the student.

IDEA's Rules for the Disclosure of Records

- Require parental consent before releasing records to anyone other than RCS personnel using the records for special education purposes.
- Deny release of records without parental consent. FERPA does allow release to another LEA where the student is enrolling for services.
- Provide parents, upon request, a list of types and location of educational records collected, maintained, or used by the LEA.

Access Rights of Parents to Special Education Records

- Must provide parents, upon request by parent, a list of types and location of education records collected, maintained and used by LEA.
- Must allow parents to inspect and review (NO RIGHT TO COPY) any education records relating to their children that are collected and maintained or used for special education purposes.
- Disclose to parents under federal or state law virtually all records, including test protocols (NO RIGHT TO COPY).
- Allow parents to review copyrighted materials, but may not use LEA equipment to copy them.
- Allow parent to inspect and review ONLY the information related to his/her child should any education record include information on more than one child.

Definitions and General Rules of Confidentiality

- Special education records are “education records” under federal law and “student records” under state law
 - “Parent” encompasses natural parent, guardian, individual acting as a parent in absence of parent, surrogate parent appointed according to law, and foster parent
 - “Personally Identifiable Information”
 - Name of student
 - Name of parent or other family member
 - Address of student and family
 - Personal identifier, such as SSN or student number
 - List of personal characteristics that would make the student’s identity easily traceable
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Responsibility of LEA and Staff

- Must protect confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- Must ensure confidentiality when using District email
- Must provide annual training or instruction concerning confidentiality for all persons collecting or using personally identifiable information.

Confidentiality in Daily Practice

CONSIDER FOR ALL CONVERSATIONS:

- **WHAT** is discussed?
 - **WHERE** it takes place?
 - **WHO** is listening?
 - **WHY** discussion took place?
 - **ALWAYS** ask yourself, "Am I being a professional or a gossip?"
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For Solid Success in Confidentiality:

- Never open a grade book where a parent can see the grades of other students.
- Don't leave important documents visible on your desk.
- Don't talk about a specific child where other children can hear the information.
- Beware of those "over the fence", "grocery aisle", "beauty shop", or "Wal-Mart" conversations. You NEVER know who may be listening.
- If you were the subject of open conversation, what would you want said and to whom would you want the conversation repeated?