

# Confidentiality and the Role of Educational Support Personnel (ESP)

## Confidentiality and Its Application

Confidentiality is one of the most critical and important aspects of the ESP's job. It is a legal responsibility to observe both the rights of students with disabilities and parents in regard to data privacy. Like teachers and administrators, ESP's have access to personal information about children and their families including these examples:

- Results of formal and informal tests;
- Behavior in classrooms and other educational settings;
- Academic progress;
- Family circumstances and family relationships;

Both the children and the family have the absolute right to expect that all information will be kept confidential and made available only to personnel in school or another agency who requires it to ensure that the rights, health, safety and physical well being of the children are safe guarded. Confidentiality must be maintained and protected, and the rights of students to due process, dignity, privacy and respect must be promoted. Always ask yourself:

- What information would you want discussed with others regarding your child?
- What would you like said about yourself as a parent?
- What would you like said about your family, your values, your lifestyle?

## Confidentiality Pointers

- Avoid using names if you are asked about your job.
- Suggest that questions about a student are best directed to the student's teacher(s).
- Do **not** share other student's names or information regarding their programs with parents during meetings, conferences or informal conversations.
- Information regarding specific students and programs should not be shared in the lunchroom, work room, office areas, out in the community or any other setting.
- When conferencing with a teacher or administrator or writing information regarding a student or family that contains confidential information, be aware of those around you who may be within hearing distance. Look for a more private place within the school building.
- No matter who asks you a question about a student, if you are unsure whether you should answer, **DON'T**. You can do this gently and politely. Remember only staff members that have a "need to know" should be given information about a student.
- For consistency of program as well as confidentiality, ESP's must support teacher techniques, materials and methods, especially in the presence of students, parents and other staff. Any questions should be directed to the specific teacher privately.

(Adapted from: Long, C (1996) . Piecing Together the Paraprofessional Puzzle: A handbook for orientation and training of first year paraprofessionals. St . Paul, M N: Minnesota Department of Children, Families, & Learning, p.42)

The information contained in this pamphlet originally appeared in the "Special Education Paraprofessional Handbook" created by the Area Special Education Cooperative (ASEC) in the state of Minnesota. Where appropriate, references to paraprofessionals have been altered to reflect Middleborough's use of the title "Educational Support Personnel (ESP)" to reflect these staff members.

## **Common Questions about Confidentiality**

### **Why Must Confidentiality Be Maintained?**

Federal laws, state laws and local policies require it.

### **Who May Access Written or Oral Information About Children and Youth or Their Families?**

Only personnel who are responsible for the design, preparation and delivery of educational and related services (i.e., supervising teacher, speech therapist, school nurse) should have access to information. The personnel responsible for protecting the safety and welfare of a child or youth also may access such information. ESP's may be included in this group if closely supervised.

### **Who Should Not Have Access to Information About the Performance Level, Behavior, Program Goals, and Objectives or Progress of a Child or Youth?**

Teachers, therapists or other school personnel and staff who are not responsible for planning or providing services to children, youth, or their families should not have access to information. No one outside of the school should ever have information regarding the student's performance, achievement, behavior, goals, progress in school. In short, anyone who is not included on the child's IEP does not have access to such information.

### **What Information Do Children/Youth and Their Families Have the Right to Expect Will Be Kept Confidential?**

The results of formal and informal assessments; social and behavioral actions; performance levels and progress; program goals and objectives; and all information about family relationships, financial status and other personal matters will be kept confidential.

(Adapted from: Long, C (1996). [Piecing Together the Paraprofessional Puzzle: A handbook for orientation and training of first year paraprofessionals](#). St. Paul, MN: Minnesota Department of Children, Families, & Learning, p.42)

The information contained in this pamphlet originally appeared in the "Special Education Paraprofessional Handbook" created by the Area Special Education Cooperative (ASEC) in the state of Minnesota. Where appropriate, references to paraprofessionals have been altered to reflect Middleborough's use of the title "Educational Support Personnel (ESP)" to reflect these staff members.