CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS AND SERVICE PLANS

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

In accordance with New York State law, it is the policy of the Somers Central School District, prior to implementation of any IEP, IESP, or SP, to ensure that a paper or electronic copy of the IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for implementation of the program or plan, or they are able to access it electronically. If access is provided electronically, the CSE Chairperson or designee will notify and train the individuals on how to access the document.

As soon as practicable after a CSE meeting and prior to the time that services are to be commenced, the Director of Pupil Personnel Services, CSE or CPSE Chairperson, Sub-Committee Chairperson or Case Manager shall transmit a copy of the IEP, IESP or SP to the individuals who are entitled to a copy of the IEP, IESP or SP under this policy. All staff who receive a copy of the IEP, IESP or SP shall be informed that the IEP, IESP or SP is a confidential document and that it shall not be disclosed to any other person except as permitted by the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA) or other federal or state laws.

The CSE Chairperson shall designate a member of the professional staff who shall, prior to the implementation of the IEP, IESP or SP, inform each teacher, assistant and support staff person of his/her responsibility relating to the implementation of the IEP, IESP or SP and the specific accommodations, modifications and supports that must be provided for the student.

The designated professional employee(s) shall obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of or electronic access to the student’s IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained and how to access it; and
4. has an understanding of the confidentiality requirements.

Cross-ref: 4321, Programs for Students with Disabilities Under IDEA and Article 89 5500, Student Records
Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99
Education Law §4402(7)
8 NYCRR §§200.2(b)(10); 200.4(e)(3); 200.16(f)(6)
New York State Education Department, Vocational and Educational Services for Individuals with Disabilities (VESID), SED Guidance Document, Providing copies of the IEPs for Students with Disabilities, May 13, 2003

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