

CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS AND INDIVIDUALIZED EDUCATION SERVICES PROGRAMS

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. Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP) and Individualized Education Services Program (IESP), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided.

To this end, this policy establishes procedures to ensure that any person having both direct contact with a student with an IEP or IESP and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student's IEP or IESP shall be informed of his/her responsibilities under the IEP, and shall receive or have access to a copy of the student's IEP or IESP as specified below.

I. IEP or IESP Copies

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student's IEP or IESP. "Other service provider" means a representative of another public school district, charter school, BOCES program, child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school and an approved preschool provider where the student receives or will receive IEP or IESP services.

The CSE, CSE Subcommittee and CPSE Chairpersons shall ensure that a paper or electronic copy of each student's IEP or IESP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan. The individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEP electronically. These individuals responsible for implementing an IEP or IESP shall, in turn, ensure that all paraprofessionals (teacher aides and teaching assistants) and other providers responsible for assisting in implementation are aware of the service(s), accommodation(s), or program(s) in accordance with the student's IEP or IESP. If a student's IEP or IESP is revised during the school year, the School District will provide electronic access or copies of the IEP or IESP to teachers and service providers consistent with law, regulations and this policy.

Confidentiality and Access to Individualized Education Programs and Individualized Education Services Programs (Continued)

II. Notification of Responsibilities

In addition to disseminating copies of a student's IEP or IESP, CSE, CSE Subcommittee and CPSE Chairpersons must designate one or more professional employees of the School District with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, paraprofessional, and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP or IESP. In selecting the professional staff person(s), the chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.

III. Confidentiality

All copies of a student's IEP or IESP provided or made accessible under this policy must remain confidential, and shall not be redisclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons shall include with each IEP or IESP copy provided or made accessible under this policy, a copy of the Confidentiality and Non-Disclosure Agreement. All IEP or IESP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student's IEP or IESP.

IV. Documentation

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

1. has received either a copy of the student's IEP or IESP or the opportunity to review the IEP or IESP 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 or IESP is to be maintained; and
4. has an understanding of the confidentiality requirements.

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; 8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)
Procedural Safeguards Notice

Policy Adopted:

December 9, 2002

Policy Revised:

November 20, 2017

Policy Revised:

June 27, 2022