Board of Education Policy

CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS (IEPs), INDIVIDUALIZED EDUCATION SERVICES PROGRAMS (IESPs) AND SERVICE PLANS (SPs)

The Board of Education, while acknowledging the importance of ensuring the confidentiality of personally identifiable data pertaining to an individual with a disability, recognizes that it is responsible to provide a free appropriate public education to all eligible students with disabilities. Therefore, it is the policy of the Board of Education of the Miller Place UFSD to provide general and special education teachers, related service providers and other service providers who are responsible for the implementation of a student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) (for New York State resident students placed by their parent(s) or person(s) in parental relation to the student in a nonpublic school located in the District) or Services Plan (SP) (for out-of-state resident students placed by their parent(s) or person(s) in parental relation to the student in a nonpublic school located in the District) with a copy of same, in accordance with the requirements of subdivision 7 of section 4402 of the Education Law.

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, IESP or SP. "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/or an approved preschool provider where the student receives or will receive IEP, IESP or SP services.

Prior to the implementation of any IEP, IESP, or SP, the CSE, CSE Subcommittee and CPSE Chairpersons shall ensure that a paper or electronic copy of each student's IEP, IESP or SP and any amendments or revisions are provided to each general education teacher, special education teacher, related service provider and/or 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 such individuals on how to access the document(s). These individuals responsible for implementing an IEP, IESP or SP shall, in turn, ensure that all paraprofessionals (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and will not be re-disclosed 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 must include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP, IESP or SP 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, IESP or SP.

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The Administrator for Pupil Personnel Services will provide (with the IEP), a statement explaining that the IEP is a confidential document, and that any copy of a student's IEP provided pursuant to this policy shall remain confidential and shall not be re-disclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Act and the Family Educational Rights and Privacy Act.

In addition, the CSE chairperson shall designate a professional employee of the school district with knowledge of the student's disability and education program who shall, prior to the implementation of the IEP, apprise teachers, support staff (who has direct contact with the student based on their assigned duties) and other individuals with IEP implementation responsibility who would not be provided a copy of the student's IEP, which can include but are not limited to, a teacher assistant, a teacher aide, and/or a school bus driver (when special transportation is specified on a student's IEP), of the nature of those responsibilities, as well as the accommodations and supports to be provided under the IEP.

The designated professional employee(s) defined above must 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 and will comply with the confidentiality requirements outlined in this policy.

Reference: 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)(11); 200.4(e)(3); 200.16(e)(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
(http://www.p12.nysed.gov/specialed/publications/policy/chap408final.htm)

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