

CONFIDENTIALITY

Confidentiality Laws For All Employees of Public Schools

The Law is covered under:

*IDEA Confidentiality Regulations

Individuals with Disabilities Education Act of 1997 (300.560-300.577)

*FERPA Regulations

Family Education Rights and Privacy Act of 1974 (US Code, Title 20, Section 1232g) and Implementing regulations in 34 CFR part 99.

Confidentiality of Information Under IDEA

Definitions

- Destruction** means physical destruction or removal of personal identifiers
- Education Records** as defined under 34 Code of Federal Regulations part 99 (FERPA 1974)
- Participating Agency** means any Agency or institution that collects, maintains or uses personal information or from which it is obtained under part B of the Act.

Parents Right to Access Records

- Parents have the right to inspect and review any educational record relating to their children and the agency shall comply with out delay no later than 45 days of request.
- Parents right to review and inspect records includes:
 - reasonable requests for explanations and interpretations
 - to have a copy of the records for review and inspection
 - to have representative of the parent review and inspect the records
- The school must presume the parent has authority unless they have been advised otherwise for such matters as guardianship, separation, or divorce.

Record of Access

- Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name, date access was given, and purpose for which the party is authorized to use the records.



WHAT INFORMATION IS CONFIDENTIAL?

***The Family Education, Rights and Privacy Act provides protection of “personally identifiable information” on all students/families enrolled in public and/or private schools and facilities. Students and their families expect and are guaranteed that their personal information is confidential and is made available ONLY to personnel authorized to view or discuss it.**

The following types of information are considered CONFIDENTIAL:

- **Results of formal and informal assessments**
- **Records of student behavior in the educational setting**
- **Behavior programming issues**
- **Performance levels and academic progress**
- **Family information concerning relationships, personal matters, family income and economic status**
- **Transcripts**
- **Video and audiotapes of students**
- **Medical records**
- **Reports from juvenile court or social service agencies**
- **IEP and case study information**
- **Any correspondences concerning students**

Important:

Any public school employee who chooses to breach the laws governing such confidentiality of student/ family information could face legal action against them.

