

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

Policy 5410

The Board of Education recognizes the importance of maintaining 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/guardian 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.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of their Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP) 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.

I. IEP, IESP or SP 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, IESP, or SP. "Other service provider" means a representative of another public school district, charter school, BOCES program, childcare 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, IESP or SP services.

Prior to the implementation of any IEP, IESP or SP, the CSE, CSE Subcommittee and CPSE Chairpersons will provide a paper or electronic copy of each student's IEP, IESP or SP, 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. These individuals responsible for implementing an IEP, IESP or SP shall, in turn, provide all paraprofessionals (teacher aides and teacher assistants) and other providers responsible for assisting in implementation with 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. 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. If access is provided electronically, the CSE Chairperson or designee will notify and train the individuals on how to access the document.

The Director of Pupil Services will provide a statement explaining that the IEP is a confidential document, and that any copy of a student's IEP, IESP or SP 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 in Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA).

In addition, the Committee on Special Education 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, IESP or SP, inform each teacher, related service

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provider, assistant and support staff person of their responsibility relating to the implementation of the IEP, IESP or SP and the specific accommodation, modifications and supports that must be provided for the student in accordance with the IEP, IESP or SP.

The employee charged with the duty to inform each teacher, related service provider, assistant and support staff person of his or her responsibilities relating to the IEP shall also inform those individuals of the obligation to maintain the confidentiality of the IEP, IESP or SP.

II. Confidentiality

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and shall 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). For purposes of confidentiality, the CSE and CPSE Chairpersons shall include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board of Education's policy on student records. All IEP, IESP or SP 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, IESP or SP.

III. Documentation

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

1. have 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. have been informed of their responsibilities for implementation;
3. have knowledge of where the IEP, IESP or SP is to be maintained and how to access it; and
4. have an understanding of and will comply with the confidentiality requirements.

At the end of the school year, or whenever the IEP, IESP or SP has been revised, the CSE and CPSE Chairperson shall collect all IEP, IESP or SP copies provided under this policy and destroy them and will direct the recipients of electronic IEP, IESP or SP copies to delete them.

Cross-ref: 5130, Access to Student Records
5400, Programs for Students with Disabilities Under IDEA and Article 89

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(f)(6)

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