

VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY FOUR

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

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 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 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.

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 will provide a paper or electronic copy of each student's IEP or IESP 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 or IESP 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 or IESP 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.

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 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, inform each teacher, related service

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

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.

II. Confidentiality

All copies of a student's IEP or IESP 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 or IESP copy provided or made accessible under this policy, a copy of the Board of Education's policy on student records. 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.

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 he/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.

At the end of the school year, or whenever the IEP has been revised, the CSE and CPSE Chairperson shall collect all IEP copies provided under this policy and destroy 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(e)(6)

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