



CONFIDENTIALITY STATEMENT

In the performance of your official duties as an employee of the West York Area School District, you may have access to individual student records. Most student records that you will come in contact with or have access to are deemed confidential as a matter of law. As a result, you are legally and ethically obligated to safeguard their confidentiality.

SPECIAL EDUCATION

The Special Education regulations in Pennsylvania for school districts are found under the 22 PA Code, Chapter 14. Chapter 14 provides regulatory guidance to ensure compliance with the federal law, the Individuals with Disabilities Education Act of 2004, and its regulations. The provisions of Chapter 14 ensure that all students with disabilities have available to them a free appropriate public education that is designed to enable the students to participate fully and independently in the community, including preparation for employment or higher education. Chapter 14 also ensures that the rights of students with disabilities and parents of these students are protected.

STUDENT RECORDS

The Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy interests of students and their parents. FERPA generally prevents an education agency or institution from sharing student records, or personally identifiable information in these records, without the written consent of a parent.

The term education record is defined as all records, files, documents, and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution.

The District maintains records concerning all children enrolled in the District, including students with disabilities. Records containing “personally identifiable information” about or related to students could include, but are not limited to, cumulative grade reports, discipline records, enrollment and attendance records, health records, individualized education programs, notices of recommended assignment, notices of intent to evaluate and reevaluate, comprehensive evaluation reports, other evaluation reports by public school staff and by outside evaluators, work samples, test data, data entered into the Penn Data system, correspondence between school staff and home, instructional support team documents, referral data, memoranda, and other education-related documents.

Such records can be maintained on paper, on microfiche, on audio or videotape, and electronically. These records can be located in the central administrative offices, the administrative offices of the Intermediate Unit, the school building or building at which the student attended or attends school, private schools and facilities at which the school has placed a child for educational purposes, central storage facilities and electronic storage systems, and in the secure possession of teachers, building administrators, specialists, psychologists, counselors, and other school staff with a legitimate educational interest in the information contained therein.

The purposes of collecting and maintaining records are (1) to ensure that each child receives programs and services as applicable (e.g. IEP’s); (2) to monitor the ongoing effectiveness of programming for each child; (3) to document that each student is making meaningful progress; (4) to satisfy the requirements of state and federal agencies who have an interest in inspecting or reviewing documents concerning particular students or groups of

students for purposes of compliance monitoring, complaint investigation, and fiscal and program audits; and (5) to inform future programming for and evaluations of each child.

All such records are to be maintained in the strictest confidence.

PARENT CONSENT

Parent consent is required in writing prior to the release of any personally identifiable information concerning a child. Parent consent is not required, however, prior to the release of information (1) to a hearing officer in a special education due process hearing; (2) to District officials, including staff and contractors, with a legitimate educational interest in the information; (3) to officials or staff of other schools and school systems at which the student is enrolled or intends to enroll; (4) to federal or state education officials and agencies and to the Comptroller of the United States; (5) to accrediting organizations to carry out their accrediting functions; (6) to comply with a lawful subpoena or judicial order; (7) in conjunction with a health or safety emergency to the extent necessary to protect the health and safety of the child or others; or (8) that the District designated as “directory information.” Disclosure without consent of the parent is subject to certain conditions that are more fully described in the FERPA and its implementing regulations.

DIRECTORY INFORMATION

Generally, the following may be designated by the District as directory information: (1) the name, address, telephone number, and photographs of a child; (2) the date and place of birth of a child; (3) participation in school clubs and extracurricular activities; (4) weight and height of members of athletic teams; (5) dates of attendance; (6) diplomas and awards received; (7) the most recent previous institution or school attended by a child; and (8) names of parents, siblings, and other family members.

The District will provide directory information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. Parents who do not want the District to disclose such information are required to notify the District in writing on or before the first day of the school term. Written notice must identify the specific types of directory information that the parent does not want the District to disclose without consent.

ACCESS TO RECORDS BY SCHOOL OFFICIALS WITH LEGITIMATE EDUCATIONAL INTEREST

School officials with legitimate educational interest in the personally-identifiable information contained in education records can have access to personally identifiable information without parent or student consent. Such persons typically include teachers of the child at issue, building administrators, guidance counselors to whom the child is assigned, members of instructional support and multidisciplinary teams in the course of screening and evaluation activities, records custodians and clerks, public school administrators with responsibility for programs in which the student is enrolled or intends to be enrolled, school board members sitting in executive session in consideration of matters concerning the child upon which only the school board can act, program specialists and instructional aides working with the child, therapeutic staff working with the child, and substitutes for any of the foregoing persons.

CONVERSATIONS AND EMAIL

Based upon the aforementioned requirements, it is critical to maintain confidentiality as to student information and records in all aspects of your duties, not only in your formal processing and maintenance of such information but also your daily informal conversations and email interaction.

Even in conversation, you are only to discuss specific student matters with those school officials or staff members who have a legitimate educational interest in such information as discussed above and only when necessary to further that legitimate educational interest.

Moreover, you are expected to use common sense and discretion when discussing student matters. Please refrain from conversations related to any student outside of the confines of your classroom or office, whether on school grounds (hallways, faculty rooms, bathrooms, etc.) or outside of school grounds (grocery stores, drugstores, malls, etc.). To the extent that a conversation about a student relates to your duties in relation to that student, such conversations are confidential. To the extent that such conversations are not related to your duties, they are inappropriate. A simple rule is that if the conversation about a student is not in furtherance of your official duties in relation to that student, the conversation should not take place. If it is in furtherance of your duties, the conversation should take place in an appropriate and confidential setting.

The reality is that a large portion of communication takes place through email. As noted above, student records can take on many forms and email is no exception. When staff members use email to discuss an individual student, this information may be part of the student's records as discussed above. Therefore, all of the confidentiality rules and requirements apply to such information and all precautions must be maintained as to safeguarding and maintaining that information. For example, to the extent that an email addresses a particular student, the student should only be referred by his/her initials. It is understandable that staff may receive email from the outside containing the full name of a student but any email in response or otherwise originating from District staff should only identify the student by initials.

In addition, because an email communication regarding a student can be considered a student record, it is also an official record of the District. That means it is "discoverable" in litigation and other administrative processes related to that student. Therefore, all forms of proper grammar and etiquette must be maintained in such communication. In addition, inappropriate comments, personal opinions, and other extraneous matters should not be included in any such emails. A simple rule is that if the email is not in furtherance of your official duties in relation to the student, the email should not be sent. If any part of the email is not related to that purpose, it should not be in that email. You never put anything in an email that you would not put in any other official written document.

Because email is instantaneous and somewhat irretrievable, you also should be very cautious as to forwarding or responding to emails received from others. Emails received from the outside should only be forwarded to staff who have a legitimate educational interest related to the student at issue and only when necessary and appropriate. When you forward an email, make sure that the only person(s) addressed are those you intend to receive the email. When you respond to an email, never send a response by hitting "reply to all" without making sure that all of the addressees are appropriate and intended recipients.

SUMMARY

In brief, FERPA generally prevents the District from sharing student records, or personally identifiable information in these records, without the written consent of a parent or eligible student. This includes but is not limited to, grades, transcripts, student schedules, assignments, tests, and disciplinary records. A record as defined is a record regardless of the medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche. Generally, the District must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA does allow the disclosure of student data without such consent under certain limited conditions as set forth above.

I have read and understand the statement above:

Date: _____