

Confidentiality

*Before we get started,
please introduce yourself
in the chat box!*

Name

Role

District/State

Ashley Quick

- ☀️ Special education teacher for 10 years
- ☀️ Subject Matter Expert with Public Consulting Group for almost four years
- ☀️ Project SUCCESS




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Webinar Engagement Guide



Confidentiality Engagement Guide

* Required

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Your email

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District *

Choose

Pre-Webinar Assessment

Rate yourself on each of the following statements:

- Novice (concept is still new to me)
- Emergent (still learning)
- Expert (very confident)

1. I am aware of what student information must remain confidential.
2. I know how to respond to questions about students I serve.
3. I can identify the federal and state special education laws and regulations related to confidentiality.
4. I am aware of how the federal and state special education laws and regulations impact my role as a paraprofessional.
5. I understand the difference between student directory information and a student's educational record.



Agenda



In this session, we will cover the following information:

- **Laws: FERPA, IDEA, HIPPA**
- **Why Confidentiality is Important**
- **Directory Information vs. Educational Record**
- **Confidentiality Tips for Paraprofessionals**

Objectives

Participants will be able to...

- understand the importance of confidentiality in special education.
- identify what the laws (FERPA, HIPPA, IDEA) say about confidentiality.
- differentiate between directory information and a student's educational record.



Understanding Special Education and the Law

Education and the Law

<u>Law</u>	<u>Year</u>	<u>Impact</u>
ESEA	1965	Improved educational equity for students from lower-income families by providing federal funds to school districts serving low-income families.
EHA/IDEA	1975	Ensured all students access to a free appropriate public education (FAPE).
NCLB	2001	Supported standards-based education reform based on the premise that setting high standards and establishing measurable goals can improve individual outcomes in education.
ESSA	2015	Mandated annual testing, accountability, and school improvement, and access to grade level curriculum for all students, including those with significant disabilities.

Education and the Law

- Paraprofessionals must understand how to legally support teachers and students.
- As a paraprofessional, it is your responsibility to provide services within the parameters of these laws and regulations.

Want to learn more? Watch this overview video of [Special Education Law](#).



History of Education Law – ESEA

ESEA, enacted in 1965, was a civil rights law.

Federal grants were provided for:

- textbooks and library books
- funding for special education centers
- scholarships for low-income college students

The law provided federal grants to state educational agencies to *improve the quality* of elementary and secondary education.



History of Special Education Law – IDEA

On November 29, 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), now known as the Individuals with Disabilities Education Act (IDEA).

The law guaranteed access:

- to a free appropriate public education (FAPE)
- in the least restrictive environment (LRE) to every child with a disability



History of Special Education Law - IDEA

Amendments, as reflected in the IDEA, have led to:

- Increased emphasis on access to the general education curriculum
- Provision of services for young children from birth through five
- Transition planning
- Accountability for the achievement of students with disabilities

The IDEA *upholds and protects the rights* of infants, toddlers, children, and youth with disabilities and their families.

History of Education Law - NCLB

In 2001, NCLB put in place measures that exposed achievement gaps among traditionally underserved students and their peers.

In 2012, the Obama administration began granting flexibility to states regarding specific requirements of NCLB in exchange for rigorous and comprehensive state-developed plans designed to:

- close achievement gaps,
- increase equity,
- improve the quality of instruction, and
- increase outcomes for all students.



History of Special Education Law

In the last 40+ years, we have advanced our expectations for all children, including those with disabilities.

- Classrooms have become more inclusive and the future of children with disabilities is brighter.
- Since 1975, more than 6.9 million children with disabilities special education and related services are receiving education services designed to meet their individual needs.



History of Special Education Law

- Today, more than 62 percent of children with disabilities are in general education classrooms
- Early intervention services are being provided to more than 340,000 infants and toddlers with disabilities and their families.



How have the legal changes over the past 40 years impacted students with disabilities?

Watching the recorded webinar?
Respond to the question within the Confidentiality Engagement Guide.

The background is a solid blue color. It features several abstract geometric shapes, including squares and rectangles of various sizes and shades of blue. Some shapes are solid, while others are outlined in white. The shapes are scattered across the page, with a higher concentration on the left side and some on the right side. The overall aesthetic is clean and modern.

Student Confidentiality and the Law

IDEA (Individuals with Disabilities Education Act)

The stated purpose of the Individuals with Disabilities Education Act (IDEA) is:

- To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- To ensure that the rights of children with disabilities and parents of such children are protected;
- To ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services



FERPA

(Family Educational Rights and Privacy Act)

The ***Family Educational Rights and Privacy Act (FERPA)*** is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

HIPAA

(Health Insurance Portability & Accountability Act)

The ***Health Insurance Portability and Accountability Act (HIPAA)*** is a national standard that protects sensitive patient health information from being disclosed without the patient's consent or knowledge.



FERPA vs. HIPAA

In most cases, the HIPAA Privacy Rule does not apply to an elementary or secondary school because the school either:

- (1) is not a HIPAA covered entity, or
- (2) is a HIPAA covered entity but maintains health information only on students in records that are by definition “education records” under FERPA and, therefore, is not subject to the HIPAA Privacy Rule.

(<https://www.hhs.gov/hipaa/for-professionals/faq/513/does-hipaa-apply-to-an-elementary-school/index.html>)

*Now let's view the handout which provides a great explanation of the differences between FERPA and HIPAA.



Article 7 - Indiana's Special Education Rule

Article 7 contains Indiana's special education procedures. Under [Article 7](#), each school must have a written confidentiality policy and procedure to ensure the protection of personally identifiable information. Article 7 also establishes procedures for parents to review and amend educational records.



IDEA guaranteed access to a free appropriate public education (FAPE) and in the least restrictive environment (LRE) to every child with a disability.

True

False

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Respond to the question within the Confidentiality Engagement Guide.

_____ is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

ESEA

FERPA

HIPPA

IDEA

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The Importance of Confidentiality

The background is a solid blue color. It is decorated with several semi-transparent blue squares and rounded rectangles of various sizes and orientations. Some of these shapes have thin white outlines, while others are solid. They are scattered across the page, with a higher concentration on the left side and some on the right side.

Why Confidentiality is Important

Paraprofessionals are an integral part of the educational team.

- The prefix "para" is defined as "being beside, nearby, or along with/side."
- Due to an increased amount of time with some students, you are the recipients of a tremendous amount of privileged information. *This information must be held to high standards of confidentiality.*
- If information pertains to abuse or neglect of the child, then paraprofessionals should follow procedures set up by building supervisors/principals.





The primary consideration in answering questions about students with special needs is a respect for *confidentiality*.

- [ROD \(Ripley Ohio Dearborn Special Education\) Document.](#)

Directory Information

Examples

- Name
- Address
- Phone number/contact information
- Information typically found in yearbooks or athletic programs
- Names and/or photos of participants in various extracurricular activities, award ceremonies, pictures of students, and height/weight of athletes



Educational Record

An educational record organizes essential details about a student's background and may **not** be made public by the school system.

Examples

- Date and place of birth
- Addresses of parents/guardians
- Grades, test scores, courses, official letters regarding school status, awards, or degrees earned
- Special education records
- Disciplinary or attendance records
- Medical and health records that school creates or maintains



Share a specific example of content that a paraprofessional must keep confidential.

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Respond to the question within the Confidentiality Engagement Guide.

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Important Tips for Paraprofessionals

Tips for Paraprofessionals

- Information regarding specific students and programs **should not** be shared in the lunchroom, staff room, office areas, out in the community, or in any other setting.
- When conferencing or writing confidential information regarding a student or family, be aware of those around you who may be within seeing or hearing distance. Look for a more private place within the school building.



Tips for Paraprofessionals

- No matter who asks you a question about a student, if you are unsure whether you should answer, DON'T. Refer questions to the teacher.
- Do not share other students' names or information regarding their programs with parents during IEP meetings, conferences, or informal conversations.
- Avoid using student names if you are asked about your job.





District Policies and Procedures to Support Confidentiality

Where can you find information about your school's policies and procedures?

Describe some of the information that would be helpful.

Watching the recorded webinar?
Respond to the question within the Confidentiality Engagement Guide.

District Policy and Procedure

Some places to locate information:

- District/School Website
- Staff Handbook/Staff Meeting Minutes
- Student Handbook
- Interview a certified teacher, staff member or administrator



Additional Resources

[The Wrightslaw Way – Understanding Confidentiality Requirements](#)

[Overview of Special Education Laws](#)

[Center for Parent Information and Resources](#)

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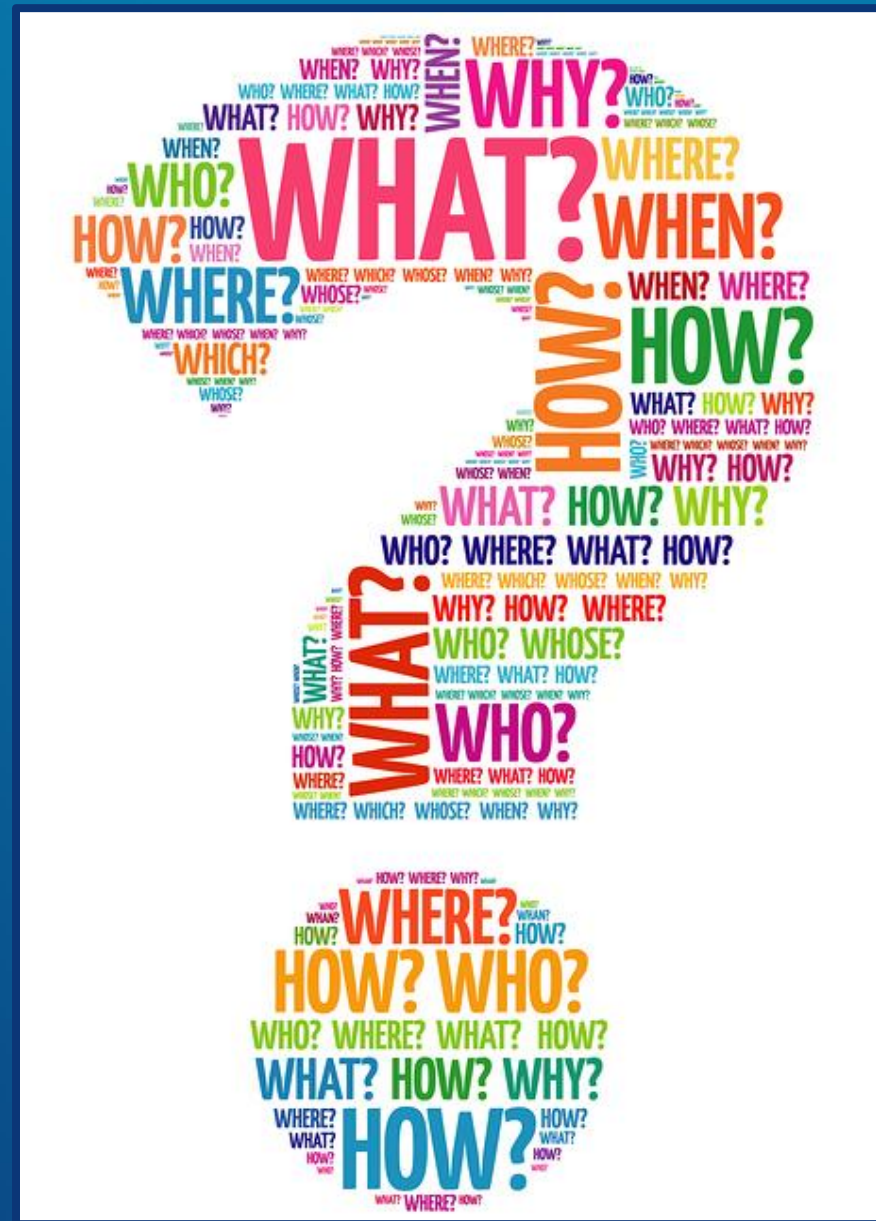
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Q & A



The logo features a white arrow pointing up and to the right, set against a circular background with a light blue gradient. The word "Project" is in a light blue, sans-serif font, and "SUCCESS" is in a bold, lime green, sans-serif font.

Project SUCCESS

Questions?

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