

## Policy Information

### Series 4000 - Personnel

#### Confidentiality and Access to IEP \*

Policy # 4117

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable information pertaining to a student with a disability. Personally identifiable information includes but is not limited to:

- name and address of student, student's parent or other family members;
- a personal identifier (e.g., social security number, student number or biometric record);
- other direct identifiers (e.g., student's date of birth, place of birth, mother's maiden name), other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or
- information requested by a person who the school district reasonably knows the identity of the student to whom the education record relates.

Personally identifiable information will not be disclosed by any school district employee or member of a Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) to any person (other than the parent of such student), organization, or agency unless the child's parent/guardian 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), Individualized Education Services Program (IESP) or Service Plan (SP), individuals responsible for implementing the program or plan must, prior to implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided. To this end, the Board shall provide access to a copy of each student's IEP, IESP or SP to those persons having both direct contact with such student and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP. Each regular education teacher, special education teacher, related service provider and/or other service providers responsible for implementing a student's IEP, IESP or SP (e.g., teacher aide, teaching assistant) shall receive access to a copy of the student's IEP, IESP or SP prior to its implementation by the District.

In addition, each Committee on Special Education Chairperson of the District shall designate a professional with knowledge of a student's disabilities and program to inform each teacher, assistant, related service provider and support staff person of his or her responsibilities related to implementation of the student's IEP, as well as the modifications and supports provided under such program. This individual shall obtain the signature of each person covered by this policy indicating that he or she:

- has received either a copy of the student's IEP, IESP or SP or the opportunity to review the document prior to its implementation as required under state law and regulation;
- has been informed of their responsibilities for implementation;
- has knowledge of where the IEP, IESP or SP is to be maintained; and
- has an understanding of the confidentiality requirements.

All copies of a student's IEP, IESP or SP provided or made accessible under this Policy must remain confidential and shall not be redisclosed to any other person, except in accordance with existing confidentiality laws, including the Individuals with Disabilities in Education Act and the Family Educational Rights and Privacy Act. To ensure such confidentiality, the CSE/CPSE Chairperson shall include with each IEP, IESP or SP copy provided or made accessible under this Policy, a copy of the Board 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 such documents.

At the end of the school year or whenever the IEP has been revised, the CSE/CPSE Chairperson shall collect all IEP copies provided under this Policy and destroy them.

\* Replaces #4117 – Dissemination of Individualized Education Program Information

**Policy References:**

Ref: Chapter 408 Laws of 2002

8 NYCRR 200.2; 200.16

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, §4407(7)

Adoption Date: 12/2/2002, Revised: 7/12/2012

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**Dissemination of Individualized Education Program Information - Regulation**

Regulation Info 4117R

In accordance with Board of Education policy, a copy of each student's Individualized Education Program (IEP) shall, prior to its implementation, be issued to each regular education teacher, special education teacher, related service provider and other service provider (e.g., teacher aide, teaching assistant) who is responsible for the implementation of the student's IEP.

The copy shall be given as a print copy or an electronic copy that is readily accessible to the educational service and related service providers with receipt confirmed electronically, if received in that format.

The CSE Chair shall designate himself/herself or a professional member of the students' CSE to be responsible for informing each regular education teacher, special education teacher, teaching assistant, related service provider and support staff (e.g., teacher aide, cafeteria workers, bus driver, bus monitor) of his or her responsibility relating to the implementation of the IEP and the specific accommodations (including seating, behavioral, etc.), modifications and supports relevant to their contact with the student. Such information shall be given in writing, may reference parts of the student's IEP and shall specify the responsibility of each such individual with reference to the goals and objectives for which each is responsible and the specific accommodations modifications and supports for which each is responsible. The information may also be given in electronic format with the same receipt acknowledgements requirement for electronic transmittal of the IEP.

Educators and related service providers shall be prohibited from making a redisclosure of IEP information to any other party except for other educators and related service providers who have a role to perform in delivering the requirements of the student's IEP, as well as to persons present at CSE/CSE sub-committee meetings regarding such student.

**INSTRUCTIONS TO PERSONNEL REQUIRED TO RECEIVE COPIES OF IEPS**

TO:

FROM: CSE CHAIRPERSON/DESIGNEE

RE: [STUDENT'S NAME]- IEP IMPLEMENTATION INFORMATION

DATE:

Prior to implementing IEP services for the above-named student, it is your responsibility to review a copy of the student's Individualized Education Program (IEP) as provided to you by the District

pursuant to Board Policy and Regulation.

You are to review those parts of the IEP that describe the present levels of performance, learning characteristics and how the student’s disability affects involvement and progress in the general curriculum as applicable to your role.

You must review the nature and frequency of services that you are called upon to provide to the student in your discipline as set forth in the IEP.

You must review the goals and objectives set forth in the student’s IEP and record the student’s progress in achieving the goals and objectives for which you are responsible through progress reports and other reports as required.

You must familiarize yourself with the accommodations, modifications and supports, if any, provided for the student in the IEP.

If the student has a behavior intervention plan, you must be familiar with the environmental conditions that lead to the objectionable behaviors and with the positive behavioral strategies relating to such behaviors.

INSTRUCTIONS TO SUPPORT PERSONNEL NOT REQUIRED  
TO RECEIVE COPIES OF IEPS

TO:

FROM: CSE CHAIRPERSON/DESIGNEE

RE: [STUDENT NAME] - IEP IMPLEMENTATION INFORMATION

As a Support Services provider you have the following responsibility(s) to the above-named student:

Behavior Intervention Plan                      G Yes                      G No

If yes, a copy of that plan is attached to this document. You must be familiar with the environmental and/or other conditions that lead to the objectionable behaviors and with the positive behavioral strategies relating to such behaviors. You shall also give input in reporting behaviors that are relevant to the behavior intervention plan.

This student is to receive special transportation accommodation                      G Yes    G No

a        Special seating on the bus                      G Yes                      G No

b.       Door-to-door transportation                      G Yes                      G No

c.       Bus Monitor    G Yes                      G No

d.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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