

EAST QUOGUE UNION FREE SCHOOL DISTRICT

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

POLICY 4321.2

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/person in parental relation of such student), organization or agency unless the parent or person in parental relation 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.

This policy establishes procedures for the provision of services, accommodations or program modifications for students with an IEP or IESP in accordance with that student's IEP or IESP shall be informed of his/her responsibilities under the IEP and shall receive or have access to a copy of the student's IEP or IESP as specified below.

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 CSE/CPSE Chairperson 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.

In order to more effectively carry out the School District's responsibility to provide a free appropriate education to all eligible students with disabilities, it is the policy of the Board of

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Education to provide regular and special education teachers, related service providers and other service providers with a copy of a student's Individualized Education Program ("IEP"), in accordance with the requirements of subdivision 7 of section 4402 of the New York State Education Law.

Prior to the implementation of a student's program, each regular education teacher, special education teacher, related service provider and other service provider who is responsible for the implementation of a student's individualized education program, shall be given a copy of such student's IEP.

The CSE/CPSE Chairperson 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 CSE/CPSE 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 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.

Notification of Responsibilities

In addition to disseminating copies of a student's IEP or IESP, CSE, CSE Subcommittee and CSE/CPSE Chairperson must designate one or more professional employees of the School District with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, paraprofessional, and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP or IESP. In selecting the professional staff person(s), the chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.

Confidentiality

All copies of a student's IEP or IESP provided or made accessible under this policy must remain confidential, and shall not be redisclosed to any other person, except in accordance with the

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Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). For purposes of confidentiality, the CSE/CPSE Chairperson shall include with each IEP or IESP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). 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.

Documentation

The designated professional employee(s) defined above shall obtain the signature of each person covered by this policy, indicating that he or 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.

The CSE/CPSE Chairperson shall maintain these signatures in the student's education file.

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

Cross-ref: Policy 4321, Programs for Students with Disabilities *et. seq.*

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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