

# **SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT**

## **Policy 4321.5**

*Adopted: June 17, 2010*

### **CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS**

The Board of Education recognizes the importance of ensuring 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.

**Personally identifiable data is defined in the policy on Student Records, 5500.**

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) or Individualized Education Services Program (IESP) (for New York State resident students placed by their parents in nonpublic schools located in the district) or Services Plan (SP) (for out-of-state resident students placed by parents in nonpublic schools located in the district), 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 and/or services supports to be provided.

To this end, this policy establishes procedures to ensure that any person having ~~both direct contact with a student with an IEP or IESP and~~ a responsibility to provide a service, support, accommodation or program modification for the student in accordance with that student's IEP, IESP shall will 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,~~ or SP as specified below.

#### **I. Access to or Copies IEPs, or IESPs or SPs Copies**

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which ~~general~~ regular 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,~~ SP. "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,~~ or SP services.

Prior to implementation of any IEP, IESP, or SP, The the CSE, CSE Subcommittee and CPSE Chairpersons shall must ensure that a paper or electronic copy of each student's IEP or IESP is provided 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, or they are able to access it electronically. If access is provided electronically, the CSE Chairperson or designee will notify and train the individuals on how to access the document.

. These individuals responsible for implementing an IEP, ~~or IESP,~~ Or SP shall will, in turn, ensure that all ~~paraprofessionals (teacher aides and teacher assistants)~~ supplementary school

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~~personnel, and~~ other provider, ~~and support staff persons (who has direct contact with the student based on their assigned duties) of their responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. In selecting the professional staff person(s), the chairperson could select him/herself/themselves for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.~~

~~for assisting in implementation are given the opportunity to review their copy of the IEP or IESP prior to program implementation as well as have ongoing access to such copy.~~

### **~~II.~~ Notification of Responsibilities**

~~—— In addition to disseminating copies of a student's IEP or IESP, CSE, CSE Subcommittee, and CPSE Chairpersons must designate one or more professional employees of the 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.~~

### **~~III.~~ Confidentiality**

All copies of a student's IEP, ~~or~~ IESP, or SP provided or made accessible under this policy must remain confidential, and ~~shall~~ will 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). To ensure such confidentiality, the CSE and CPSE Chairpersons shall must include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). All IEP, ~~or~~ 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 the student's IEP, ~~or~~ IESP, or SP.

### **~~IV.~~ Documentation**

The designated professional employee(s) or paraprofessionals defined in section II above ~~shall must~~ obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of or electronic access to the student's IEP, ~~or~~ IESP or SP or the opportunity to review the IEP or IESP prior to its implementation, as required under state law and regulation;

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2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP ~~or~~ IESP or SP is to be maintained; and how to access it;
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 will collect all IEP copies provided under this policy and destroy them.

Cross-ref: 4321, Programs for Students with Disabilities under IDEA and Article 89  
5500, Student Records

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  
Formerly Policy 7640 Erie BOCES

Education Law §4402(7)  
8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)  
New York State Education Department, Vocational and Educational Services for Individuals  
with Disabilities (VESID), SED Guidance Document, Providing copies of the IEPs for  
Students with Disabilities, 5/13/03,  
[vesid.nysed.gov/specialed/publications/policy/chap408final.htm](http://vesid.nysed.gov/specialed/publications/policy/chap408final.htm)

*Adopted: June 17, 2010*

*Revised & Readopted:*