

## Purpose

This procedure provides direction for confidentiality of personally identifiable information of children and families in accordance with state and federal regulations. The procedure addresses written (paper and electronic) documentation, consent for provision of services, exchange of information, and maintenance, security and destruction of records.

**This Confidentiality Procedure covers both paper and electronic child and family records, including:**

- Application, enrollment, eligibility, selection, and attendance information
- Family engagement information
- Child screenings, assessments, and observations
- Family and child goal setting information
- Family and child general documentation

## Procedure

### Access to Information

#### I. Access to Files

The persons in the following roles have access to information and records of PSESD Early Learning children and their families for specific purpose of performing their duties:

- PSESD Early Learning subcontractor staff including Center Directors and staff supervisors, family support, teaching staff, substitutes, and nurse consultants
- PSESD Early Learning staff
- State and federal monitors

A request for information from a staff member such as, but not limited to, a nurse consultant, interpreter, or substitute, not directly involved with the child or family is not a claim to automatic access. The staff member may be given a part of the records or a summary instead of access to the whole file.

Parents/guardians working as interns or volunteers do not have access to confidential information about children and families. Center Directors will resolve disputes about staff access to child and family files.

#### II. Family File Access Log

For paper files, an access log will be maintained listing anyone other than the persons maintaining the file (teaching staff, family support staff) who has had access to the file. The access log will be signed and dated when:

- Center staff (other than teaching and family support staff) check out all or part of file
- PSESD staff reviews file
- Parent reviews file
- Other professionals who are not the persons maintaining the file review file

For electronic records, information about children and families is maintained and accessed through password-protected systems (e.g. *MyTeachingStrategies GOLD*, ELMS, ChildPlus,) where staff access to information is limited to the children and families in those sites/classes that they support.

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## III. Parent/Guardian Request to Access File

Parents and/or guardians may request and be granted access to their child's or family's records.

In accordance with federal Family Educational Rights and Privacy Act (FERPA), both parents have access to information about the child unless a court order restricting one parent's access to information about the child has been supplied to the center. If such a court order exists, information will be shared in accordance with the terms of the order.

A written request for access to records should be directed to the staff person responsible for that file. That person will arrange to review the file with the parents/guardians within a reasonable timeframe, which in no event will be longer than 30 days. The Center Director will be informed of the request for access to the records.

In the case of children in out of home care (foster children), only the legal guardian will have all the rights of access to the Family File. The biological parent(s) may request access after obtaining written permission from the assigned caseworker or legal guardian.

As part of mandated reporting to CPS, service providers, administrators, owners, and staff must protect the alleged victim and others from further abuse, neglect, abandonment, and financial exploitation. This includes limiting access to information about child abuse if a parent, custodian, or guardian is a suspected abuser(s) or suspected of failing to protect the child. If a request of this nature is made, contact the PSESD before proceeding.

## IV. Release of Information

Disclosure of records and information to individuals and agencies outside of PSESD Early Learning including school districts will not be made without consent of the custodial parent or legal guardian except for:

- CPS reporting
- When served a subpoena by a court of competent jurisdiction
- Any case in which state disclosure law requires
- When a mental health issue exists that could lead to imminent harm
- Any other circumstance allowed by state or federal law

Written parental consent for exchange of information is valid only one year from the date of signature. All release of exchange for information and consent forms will be kept in the family file.

## Consent

### I. Informed Consent for Services

All parents will be informed of and give permission for services their child will receive in the PSESD Early Learning Program, including, but not limited to developmental screening, ongoing assessments, classroom observations and health screenings. Parents must also give permission before their child is photographed or videotaped for purposes of promoting PSESD Early Learning through printed materials, the PSESD website, or the production of an instructional or promotional video.

Before a paid interpreter is used to provide interpretation services to a family, the interpreter and the parents/guardians will sign a Consent for Use of Interpreter form

### II. Individual Observation

Consent for mental health observation on a child is authorized at enrollment when parent/guardian signs the [Emergency Treatment and Consent Form](#).

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## Sharing Information

### I. Health Information Protection for Chronic Communicable Disease

When a parent/guardian discloses that they or their child is living with a chronic communicable disease (HIV/AIDS, hepatitis B or C or any other disease which has special protection under law), staff should refer to the [Health Information Protection Policy](#).

### II. Class / Play Group Rosters

A confidential parent/family roster with names, addresses and phone numbers may be distributed to families from a specific classroom (for center-based Early Head Start, Head Start, and ECEAP programs) or play group (for home-based Early Head Start). This confidential information will only be shared with the families who have children in that specific classroom or play group. If a site creates a classroom/play group roster, all families must be informed annually that a roster will be developed and what information it includes. All families must be given the option to not have their information included on the roster “opt-out”. Staff must track which families have opted out and exclude their information from the roster.

### III. Transfers Between Sites/Centers

**If a child transfers from one site to another site within the same center/subcontractor:** Staff at the site from where the child is transferring will forward the child/family file to the new site as soon as it is known that the child is officially enrolled. Files should be hand delivered or sent by registered mail. The originals of the entire file are sent to the new classroom, except IEP, mental health and health information, of which the appropriate release/exchange(s) of confidential mental health and health information must be signed by the parent/guardian before information can be forwarded. Staff should give the parent/guardian a copy of the IEP to take with them to the new site.

**If a child transfers from one center/subcontractor to another within the PSESD Early Learning program:** Staff at the site from where the child is transferring will make copies and forward to the new site as soon as it is known that the child is officially enrolled. **Keep the originals.** Files should be hand delivered or sent by registered mail. The copies of the entire file are sent to the new classroom, except IEP, mental health and health information, of which the appropriate release/exchange(s) of confidential mental health and health information must be signed by the parent/guardian before information can be copied and forwarded. Staff should give the parent/guardian a copy of the IEP to take with them to the new site. In addition, if there is a district change, the parent must notify the district. If the district remains the same, the parent will share the IEP with the new teacher and the school Special Education teacher.

**If a child transfers to a program outside of the PSESD Early Learning Program:** If the parent prefers, make a copy of the file and send it with the parent. **Keep the originals.** When a family moves unexpectedly, remember that the parent must sign appropriate releases of information before anything can be shared with the new receiving program. The appropriate release/exchange(s) of confidential mental health and health information must be signed by the parent/guardian before information can be copied and forwarded. Staff should give the parent/guardian a copy of the IEP to take with them to the new program.

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## Record Maintenance and Security

### I. Corrections/Amendments to Child/Family Records

If a parent/guardian believes that information in their child's or family's file is inaccurate and requests a correction or amendment, the following steps should be taken:

- A. Initially, the situation and request for correction or amendment should be discussed with program staff. Every effort will be made to reach agreement informally regarding the contents of a child/family's file.
- B. If agreements cannot be reached informally, written requests from the parent/guardian for amendments to records should be made to the Center Director. It should include the parent/guardian's reason for requesting the changes. Upon approval of the request, any changes will be incorporated in the record. The revised record shall be reviewed by the requestor.
- C. If agreement cannot be reached with the Center Director, written requests for amendments to records should be made to the PSESD Associate Superintendent for Early Learning or designee, with a copy to the Center Director. This request should include the reason for requesting the amendment.
- D. The PSESD Associate Superintendent for Early Learning or designee will acknowledge the request within ten (10) working days unless a decision is reached before that time.
- E. If the request is denied, the requester may appeal in writing to the PSESD Early Learning Policy Council Executive Board, which will make its written response within ten (10) business days.
- F. If the request is denied by the Policy Council Executive Board, a hearing must be provided and meet the following requirements as outlined in FERPA:
  - i. The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
  - ii. The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
  - iii. The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.
  - iv. The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under §99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
  - v. The educational agency or institution shall make its decision in writing within a reasonable period after the hearing.
  - vi. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
- G. If the request is denied, the requester may submit a statement of disagreement to be associated with the disputed records. This statement should be disclosed whenever the record is disclosed.

### II. Record Security

Child and family files are to be maintained in a secure manner. For paper child and family files, this includes:

- Files are to be maintained in locked cabinets.
- In the event that any child/family files or documents must be removed from the site, these steps must be taken:

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- Original files and documents should not be taken off the site premises. Copies of the files or documents are what can be taken off site.
- When files or documents are taken off site, there must be a system in place for checking them out and in. The system will indicate who has possession of the files/documents, date taken, purpose for removing the files/documents from the site, and anticipated date of return of the files/documents.
- Files/documents taken off site should be in the physical possession of the staff member until they are returned to the secure location at the site. Files/documents should not be left in a vehicle.

For electronic files stored on computers, this includes:

- For files stored locally on a computer, the computer should have individual user IDs and passwords so that information is only accessible to the teaching team and family support/health staff and Center Director who work with the children/families to which the records pertain.
  - Back-up of records should be done routinely using an external storage device, e.g., a USB drive. The USB drive or other external storage device should be password protected and locked up nightly for safekeeping.
  - Staff may not use their personal computers. No information should be saved on personal computers.
- For files and information stored on a server, access must be limited to those PSESD staff and subcontractor staff working for the PSESD Early Learning Program. Where possible, access to files and information should be restricted to those children/families that each staff person directly supports (e.g. have access only to information and files for the children/families on each staff member's caseload).

For electronic correspondence or documentation including child and family information, this includes:

- As much as possible, documentation should be done in password-protected data systems with differentiated permissions, including ChildPlus and ELMS.
- For online documentation outside of ChildPlus and ELMS, the child should be identified using their ELMS (ECEAP) or ChildPlus (Early Head Start/Head Start) ID number and no personal identifiers (e.g. name, date of birth).
- For online documentation outside of ChildPlus or ELMS, protected health information should not be included if documentation is accessible to staff that do not work with that child or family.
- For electronic correspondence, staff should use a child's ID number (from ELMS for ECEAP, or ChildPlus for Early Head Start/Head Start). And the parent/guardian of the child should be named by their role, such as "mom" or "dad." For any reason needed to provide personally identifiable information, contact PSESD for guidance.

### III. Record maintenance and destruction

- For children enrolled in continuing years, the old records are moved to the "Last Program Year" tab of the family file or moved to a separate file attached to the current year's file.
- Upon written request, copies or summaries of records will be released to the parent/guardian at the end of the program year.
- At the end of the child's enrollment, records are combined at the center and held readily accessible for one (1) year. At the end of this period, records are kept in locked storage for seven (7) more years, which will be **eight (8) total years**.

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- At the end of this time, records must be destroyed in a confidential manner, as follows:
  - For paper documents containing data, but not confidential information, a contract with a paper shredding firm is acceptable, provided the contract ensures that the confidentiality of the data will be protected. Such documents may also be destroyed by on-site shredding, pulping, or incineration.
  - For paper documents containing confidential information requiring special handling (e.g. protected client Information) the documents must be destroyed by on-site shredding, pulping, or incineration.
  - If data or confidential information has been contained on optical discs (e.g. CDs or DVDs), the Center shall either destroy by incineration the disc(s), shredding the discs, or completely deface the readable surface with a coarse abrasive.
  - If data or confidential information has been stored on magnetic tape(s), the Center shall destroy the data or confidential information by degaussing, incinerating or crosscut shredding.
  - If data or confidential information has been stored on server or workstation data hard drives or similar media, the Center shall destroy the data or confidential information by using a “wipe” utility which will overwrite the data or confidential information at least three (3) times using either random or single character data, degaussing sufficiently to ensure that the data or confidential information cannot be reconstructed, or physically destroying disk(s). If your organization does not have the ability to do this, contract with a licensed vendor.
  - If data or confidential information has been stored on removable media (e.g. USB flash drives, portable hard disks, or similar disks), the data recipient shall destroy the data or confidential information by using a “wipe” utility which will overwrite the data or confidential information at least three (3) times using either random or single character data, degaussing sufficiently to ensure that the data or confidential information cannot be reconstructed, or physically destroying disk(s). If your organization does not have the ability to do this, contract with a licensed vendor.

## Related Documents

[Family File Access Log](#)

[Release/Exchange of Confidential Information \(Non-Health\)](#)

[Release/Exchange of Confidential Mental Health Information](#)

[Consent for Use of Interpreter Form](#)

[Health Information Protection Policy](#)

[Authorization to Release and Exchange Confidential Health Information](#)