



Confidentiality and Protections of Privacy Policy

Policy Statement:

The purpose of this Confidentiality and Protections of Privacy Policy is to protect the rights and privacy of families and students regarding Early Head Start/Head Start/ECEAP child and/or family records. All OESD EHS/HS/ECEAP child and family records are confidential and will not be disclosed without written parent/guardian consent (with the exception of CPS reporting and subpoenas by a court of competent jurisdiction and any case in which state law requires). Parents have a right to review their child's Head Start/ECEAP files. Such requests should be submitted in writing to the appropriate staff.

When the EHS/HS/ECEAP Program is located in a public school, EHS/HS/ECEAP staff should inform themselves of the school district confidentiality policy and follow said policy, recognizing that school district policy supersedes EHS/HS/ECEAP's Confidentiality Policy. If conflict arises between EHS/HS/ECEAP and School district confidentiality policy, it should be resolved by the OESD EHS/HS/ECEAP director and school district administration.

Where EHS/HS/ECEAP is not subject to a school district's confidentiality policy, the following applies:

Confidentiality of Information:

All information on children and families obtained by staff while the child is in EHS/HS/ECEAP is confidential information.

The fact that a child is in EHS/HS/ECEAP is confidential information.

PROTECTIONS OF PRIVACY

1302.50 Family engagement.

(6) Implement procedures for teachers, home visitors, and family support staff to share information with each other, as appropriate and consistent with the requirements in part 1303 subpart C, of this chapter; FERPA; or IDEA, to ensure coordinated family engagement strategies with children and families in the classroom, home, and community.

1303 Establishing Procedures

A program must establish procedures to protect the confidentiality of any personally identifiable information (PII) in child records.

All OESD 114 Early Learning employees and contracted staff are able and encouraged to share information with each other in order to ensure coordinated services and family engagement strategies with children and families in the classroom, home and community.

Employees and contracted staff will comply with FERPA, HIPPA and IDEA provisions to protect the confidentiality of any (PII) in child records.

1303.22 Disclosure with, and without, parent/guardian consent.

- (a) Disclosure with parent/guardian consent
- (b) Disclosure without parent/guardian consent but with parent/guardian notice and opportunities to refuse
- (c) Disclosure without parent/guardian consent
- (d) Written agreements
- (e) Annual Notice

Staff must obtain parent/guardian written consent using the Authorization to Exchange of Information when communicating with any person outside of OESD 114 Early Learning staff. Staff must explain to the parent/guardian that the consent is voluntary on the part of the parent/guardian and may be revoked at any time.

If a request for disclosure comes to the OESD 114 from officials at a program, school or school district in which the child seeks or intends to enroll, staff must disclose PII from child records without parent/guardian consent as long as the program staff follows the following procedure:

1. Notifies the parent/guardian about the disclosure
2. Provides the parent/guardian, upon the parent/guardian's request, a copy of the PII from the records to be disclosed in advance
3. Provides the parent/guardian an opportunity to challenge and refuse disclosure of the information in the records prior to the program forwarding the records.
4. The parent/guardian request and result of notification must be captured in the family file and/or in the record keeping data base system

The program must allow PII disclosure without parent/guardian consent according to 1303.22 (c).

Documentation regarding disclosures will be maintained in the family file. If any lawyers contact any staff person, absolutely no information will be given either via phone, email or written. All communication with third parties must go through Family Services Program Manager.

See OESD Board Policy 4310 – Relations with Law Enforcement and Child Protective Agencies and Administrative Procedures regarding Community Relations for additional information.