

CONFIDENTIALITY POLICY

Building Blocks Developmental Preschool and all persons involved in the provision of services or in the collection, maintenance or disposal of records are responsible for ensuring the confidentiality of all personally identifiable information pursuant to confidentiality requirements set forth in Federal IDEA, Federal Educational Rights & Privacy Act (FERPA), New York State Early Intervention Regulations and County contracts.

Building Blocks has developed procedures in accordance with the Federal Family Educational Rights and Privacy Act (FERP A) and regulations (34 CFR Part 99), Individuals with Disabilities Act (IDEA) and regulations (34 CFR 303; 34 CFR 300.560 through 300,576), and Title II-A of Article 25 of PHI, and 10 NYCRR 69-4 Medical Assistance Program (Medicaid) to preserve confidentiality of and define practices to access and/or amend children's records.

Building Blocks Developmental Preschool's Executive Director, along with the Medicaid Compliance Officer, are specifically responsible for ensuring the confidentiality of all children's records. In addition, all employees must sign a statement agreeing to follow all stated policies and specifically a confidentiality statement, as a requirement of employment. All employees, sub-contractors and consultants to Building Blocks Developmental Preschool will strictly adhere to the confidentiality requirements set forth in federal guidelines, New York State Early Intervention Regulations, and Suffolk County Provider Contract requirements.

Procedures to be adhered to with regard to Confidentiality of Records

- (1) All professional and support staff will have confidentiality procedures reviewed with them and be asked annually to sign a statement affirming their agreement to conduct themselves in a manner which ensures and protects the privacy of the children and families we serve.
- (2) All records are stored on-site in fireproof, locked file cabinets in secured locations. File storage units have a notice that states that records are confidential and access is limited.
- (3) Current files are maintained in the Main Administrative Office and in the Executive Director's office or adjacent administrative offices. These fireproof files are locked when not attended by the Executive Director, her designee or administrative personnel. Service providers are known to the Director, other administrative staff and support staff and may access files for children they are treating.
- (4) Service providers may maintain 'working files' that contain personally identifiable information (e.g. daily session notes). These files must always be in a secure location. Classrooms and therapy rooms are equipped with locked file cabinets so that files can be maintained in these locations. When transporting files in your car, providers must house files in a secure briefcase or file that is not visible to persons outside the vehicle. No files should be left in a car overnight. When using working files at home (preparing lessons, etc.) keep files in a secure location, not accessible by other family members or visitors.

While transporting files to and from a CPSE meeting confidentiality of the record must be maintained. For example, if attending more than one meeting, secure files not being used so that they are not visible to other persons. All records must be returned to the school as soon as possible following the conclusion of the meeting(s). When treating in the home or community location only carry the file of the child receiving services.

(5) During preschool classes and the EI provision of group services (i.e. Toddler Separation Groups, Parent/Child groups), providers should take extra care in protecting the confidentiality of child information. No office or classroom located on-site at Building Blocks Developmental Preschool will display in a public area class lists, schedules, notices, etc. which reveal personally identifying information regarding any Building Blocks student or family. All class lists, schedules, etc. must be kept in a secure location.

(6) Building Blocks stores electronic records on a server that is part of a Windows domain. These workstation computers are password protected and access to stored electronic information is limited and granted only to the Director, Assistant Director, the Coordinators and the Administrative staff responsible for maintaining those records. All removable electronic storage devices and backup tapes are stored in locked containers in specified secured locations.

(7) The computer network is protected by a Sonicwall firewall, Datto Siris Business Continuity/Disaster Recovery device.

(8) Building Blocks Developmental Preschool has a secure file transport e-mail system that uses password protection and encryption.

(9) No staff member is allowed to communicate either verbally, or in writing with ANYONE other than the child's parents, legal guardian, school district personnel, Suffolk County personnel without specific written parent permission. In the case of the Early Intervention Program the Early Intervention Official secures the confidential exchange of information among the providers designated on a child's IFSP.

(10) If the need arises for communication between professionals other than those designated on a child's IEP or IFSP (e.g. private feeding therapist, pediatrician, etc.), incident specific written consent must be obtained from the parent. Written consent must contain the person to be contacted (and contact information such as a phone number), the specific reason for the contact (e.g. doctor would like to speak to therapist as part of a current evaluation), the date and the parent signature. Building Blocks Developmental Preschool does not allow the use of 'blanket' permission for general communication with others. If a parent has any questions concerning this policy please refer them to the Executive Director.

(11) Service providers generally may not communicate via e-mail noting any personally identifiable information. In rare instances, a parent may request that providers use this form of communication including personally identifiable information. In these instances the parent must provide written, informed consent authorizing this manner of transmission. If a parent makes this request, service providers must obtain the specific permission form from the Executive Director.

(12) Faxes are sent using a cover sheet on Building Blocks letterhead containing a confidentiality statement. Faxes are only sent to previously notified persons so that they are available to personally retrieve the transmission. Service providers are not allowed to communicate via fax to parents or other providers. If a fax transmission is requested by a parent, please notify your supervisor.

(13) Service providers must submit all annual reviews, progress reports and evaluations in person. Occasionally, a provider will e-mail a report to Building Blocks. E-mails are directed to a specific person (administrative assistant, assistant director, Executive Director) using a secure file transport and encryption.

(14) Building Blocks Developmental Preschool does not honor requests from other schools, school districts, agencies or professionals for child records. If the parent requests, copies are provided to the parent to disburse at their own discretion or the parent may sign specific releases to allow for the disbursement of a child's records. Direct service providers may not disburse ANY records to other professionals. Building Blocks Developmental Preschool will provide access to children's records to approved/participating schools or agencies collecting or using the information for the purposes of the Preschool or Early Intervention programs. Employees of the New York Education Department, the New York State Department of Health, other state early intervention agencies and municipalities may access any records pertaining to a child and a child's family that are collected, maintained or used for the purpose of the Special Education Preschool Program or the Early Intervention Program if they are directly involved in the delivery of or oversight of services to the child/family. Before disclosure of any information, the Executive Director will review the child's record to ensure that only necessary information is shared.

(15) If an instance arises when a person not involved in the direct provision of EI services is required to review a child's record (for Quality Assurance, etc.) specific parental permission must be obtained.

(16) Information related to persons applying for or receiving public assistance (Medicaid) is considered confidential. This information may only be disclosed to persons or agencies necessary for the proper administration of public assistance programs. If a question arises as to whether documents containing Medicaid identifying information may be released, Building Blocks Developmental Preschool's Medicaid Compliance Officer will contact NYS Department of Health's Division of Legal Affairs, Bureau of Medicaid Law at 1-518-408-1495.

(17) If instances arise when individuals other than the parent, approved evaluator, service provider, service coordinator, or authorized federal, state or municipal employee have the authorization to access a child's records, these persons must complete the access log on the back inside cover of the child's file and include name, date, purpose and how authorized.

(18) Children's records that contain sensitive information (e.g. HIV status, sexual or physical abuse, treatment for mental illness, etc.) are maintained separately from the child's main file. These records are housed in a locked file drawer in a limited access area and are maintained by the Executive Director.

(19) Service providers should never mention a particular child's name or other identifying information in public locations, including the school's hallways, main offices or bathrooms.

(20) Confidentiality must be ensured in all instances. Be aware of situations other than direct provision of services that might compromise a child's right to confidentiality. For example, if you unexpectedly meet a child or child's family member while in the community, be careful of introductions or conversations that take place. Mentioning to a member of your family who is with you that you know this parent from school or introducing the family member as the parent of a child you treat compromises a child's right to privacy.

(21) Be cognizant of all children's right to privacy. For example, in doing evaluations, never use the specific name of a sibling or other family member that may be receiving early intervention or other special education services.

(22) Generally, Building Blocks Developmental Preschool does not utilize volunteers. However, on occasion, exceptions have been made. Volunteers are provided with Building Blocks Developmental Preschool's Employee handbook and are required to sign a confidentiality statement. Likewise, student teachers and professional interns are also required to sign confidentiality statements. Service providers responsible for the supervision of these students must monitor activities and ensure the confidentiality of the children. Student teachers and professional interns are not allowed access to children's records unless under the direct supervision of their supervisor. Absolutely no copies of children's records are allowed.

(23) Service providers should be aware that parents have the right to review their child's record and request an amendment if they feel that any information is inaccurate, misleading or violates any of their child's rights (unless prohibited under state or federal law). Parents are advised of this procedure via a memo included in the initial packet given to parents when their child enters school or at the onset of services. A parent may review their child's record on-site in the presence of an authorized staff member. An administrator will be available to interpret information contained in the child's record. Copies of any records containing personally identifiable information requested by a parent are usually presented in person but can be mailed to the child or parent's legal address within 10 working days of the receipt of the request. Copies can be provided within 5 working days if the request is made as part of a mediation or impartial hearing. Typically, there is no fee charged for copies of records requested by parents. The parent has the right to request an amendment to their child's file. In the case of a child in the Preschool Program, the respective school district personnel will be notified. For children and families in the Early Intervention Program and in the event that the amendment is not mutually agreed upon, the parent and the service coordinator will complete Parent Request for Amendment form that will then be forwarded to the EIOD for further action.

(24) For the Early Intervention Program, service coordinators are responsible for ensuring that the contents of records have been amended when the EIO or service provider agrees to the amendment. The parent must then be notified in writing in their dominant language that a requested amendment has been made.

(25) Building Blocks Developmental Preschool does not maintain records that co-mingle different children's information. Service providers, preschool teachers and therapists should be especially vigilant, when writing group session logs and reports, not to mention other children by specific name.

(26) A child's records are retained until a child reaches age 21. All records containing personally identifiable information are disposed of by shredding.

(27) Service providers must dispose of written information containing personally identifying information that is not part of a child's record (e.g. phone messages, draft reports) in a manner consistent with procedures that protect a child's right to privacy. All information containing personally identifiable information must be shredded.

(29) Service providers should be aware that special circumstances in the retention of child records may apply to children in foster care.

(30) Photo releases are signed by all parents or legal guardians as to whether or not Building Blocks Developmental Preschool has permission to include images of children in any group or individual photos or videos. Parents and legal guardians are informed as to the uses for such photographs or videos (i.e. training purposes, bulletin board displays, web-site etc.). All teachers, therapists and other service providers must check the child's main file for these permission forms prior to taking photographs or videos.

Confidentiality Policy and Procedures

1. All records containing personally identifiable information are housed in locked file cabinets in the Director's offices and adjacent administrative areas. Any and all records containing personally identifiable information must be maintained in this file.
2. Access to these files is limited to the staff involved in the provision of services. Please alert the Directors and/or their respective support staff of the intent to access a file. When accessing these files remember to sign the sheet on the back inside cover of the file detailing the reason for your review of the file (i.e. review goals, read reports, etc.)
3. Employees who are direct service providers and who maintain 'working files' that contain a child's personally identifiable information are required to maintain those files according to the Federal Family Educational Rights and Privacy Act (FERPA) and the Early Intervention Program regulation, Section 69-4. Please refer to these sources for detailed information. Summarily, **all** files (i.e. IFSP, IEP, daily log notes, electronic records) containing personally identifiable information including but not limited to a child's name, address, phone number, specific descriptive characteristics, photographs, specific diagnosis and family information must be maintained on your person or in a location that is secure and only accessible by you.
4. We currently do not have the ability to accept e-mailed information. Therefore, all reports must be hand delivered to the appropriate personnel (i.e. ongoing service provider, supervisor, administrative staff.).
5. No personally identifiable information may be posted in classrooms or hallways.
6. Student interns are allowed access to children's records only under the direct supervision of the cooperating teacher or speech pathologist and in accordance with Confidentiality Policy and Procedures. No copies of children's files are permitted.

Signature _____

Review of Child's Record

Please be advised that you may review your child's record (including initial evaluations, progress reports, IFSP, daily activity logs) by following the outlined procedure:

1. Notify the Director via written request, phone call, or in person.
2. Upon this notification, an appointment will be made at a mutually agreed upon time to accommodate your request. Files cannot leave the office where they are maintained.
2. An Administrator will be available to answer any questions pertaining to information maintained in your child's file.
3. A copy of any information requested will be provided within ten days. Copies should be presented in person but can be mailed to a child's or parents' legal address if so requested.
4. If any personally identifying information in your child's record is found to be inaccurate an amendment will be made. The overseeing principle (EIOD or CPSE) will be notified of any changes. If there is a question of the accuracy of information please speak directly to the Director.

Parent Request for Amendment to Child's Record

Child's Name _____ DOB _____

Please make the following change to my child's record:

Parent Signature _____ Date _____

☐ The service provider/agency agrees with the aforementioned change

Authorized Signature _____ Date _____

In the event that a parent requested amendment for a child in the EIP is not agreed upon, the Early Intervention Official Designee (EIOD) will be notified. The parent will be notified by the EIOD of their rights and the procedures that must be followed.

I understand that Building Blocks will notify the EIOD of the above request for amendment to my child's file and that the EIOD will explain my rights and the procedures that must be followed.

In the event that the child attends a preschool program, the child's school district will be notified of the requested change.

Parent Signature _____ Date _____

STUDENT TRACKING AND OTHER ELECTRONIC DEVICES

Building Blocks Developmental Preschool takes no responsibility or liability for any GPS/Tracking Devices (such as but not limited to: AngelSense, Amber Alert GPS, etc.) that are brought into and/or used at the school. This includes potential damage or loss incurred from normal use, breakage and/or theft. Parents must sign a waiver at the beginning of each school year, indicating their awareness, understanding and acceptance of this policy.

While it is strongly suggested that NO electronic devices are brought to school (i.e. tablets, hand held video games, etc.) Building Blocks Developmental preschool takes no responsibility or liability for any of these electronic devices brought into the school. As with tracking devices, this includes potential damage or loss incurred from normal use, breakage and/or theft. Parents must sign a waiver at the beginning of each school year, indicating their awareness, understanding and acceptance of this policy.

This policy applies to equipment owned by the undersigned as well as equipment provided to the undersigned by a school district or other outside source. Further, the school assumes no responsibility or liability for any damages, usage fees, phone charges, subscriptions, financial obligations of any kind related to the aforementioned equipment and/or related service. This includes but is not limited to loss of data, corrupted files and/or applications and/or service interruptions. Use of any information obtained via the internet on any device referenced in this document is at the user's discretion and own risk.

To maintain the confidentiality of all of our children, no video or audio recordings are permitted in the school. (If a tracking device has one of these features, it must be disabled-turned off- during school hours). Parents must sign the following attestation acknowledging that they understand this policy.