

AGENCY NAME: Building Blocks Developmental Preschool
AGENCY ADDRESS: 29 Pinewood Drive, Commack, New York 11725
AGENCY PHONE: 631 499-1237 **FAX:** 631 4991074

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, the Health Insurance Portability and Accountability Act (HIPPA), NYS Education Law (Sec. 2d), Building Blocks Developmental Preschool's Corporate Compliance Plan and any local county contracts that appl.

The scope of this policy applies to all individuals that provide services, that manage or supervise staff, and individuals developing and approving school policy or who are tasked with fiduciary responsibilities. This policy covers all educational records, including medical records maintained by this school or parties acting on behalf of the agency. Personally identifiable information includes the name of the child and the child's parents and family members and any legal guardians; the child's place of residence; the child's social security number; identifying characteristics such as date or place of birth; and any other information that might indirectly identify the child.

Building Blocks Developmental Preschool has developed procedures in accordance with the Federal Family Educational Rights and Privacy Act (FERPA) and regulations (34 CFR Part 99), Individuals with Disabilities Act (IDEA) and regulations (34 CFR 303; 34 CFR 300.560 through 300.5760, and Title II-A of Article 25 of PHI, Nassau & Suffolk County Provider Contracts 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 and the school's Compliance Officer are specifically responsible for developing and implementing policies and procedures for ensuring the confidentiality of all children's records. In addition, all employees must sign a statement agreeing to follow all stated policies and procedures as a requirement of employment All sub-contractors, contracted agency employees, consultants, student teachers, graduate interns, school district observers and individuals involved in any aspect of children's day to day activities will adhere to all parts of the school's confidentiality policy. Management personnel, as well as school psychologists, social workers, and behavior analysts interacting with non-employees are responsible for imparting and maintaining confidentiality procedures with those individuals.

PROCEDURES INCLUDED IN THIS POLICY

- All professional and support staff, as well as other school employees, will have confidentiality procedures reviewed with them annually and upon hire and will be asked to sign a statement affirming their agreement to conduct themselves in a manner that ensures and protects the privacy of the children we serve.
- All records are stored on-site in fireproof, locked file cabinets in secured locations. File storage cabinets have a notice that state that records are confidential and access is limited.
- 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 Director, designee, or administrative personnel. Professional and support staff are known to the Director and administrative staff and may access files for children they are treating.
- Service providers may maintain 'working files' that contain personally identifiable information. These files must always be stored in a secured location. Classrooms and therapy rooms are equipped with locked file cabinets so that files can be maintained in these locations. When transporting files, staff must always ensure the confidentiality of information. No files can be left in a car overnight. When using working files at home (preparing lessons, completing task sheets or session logs, etc.) files must be kept in secure locations and not accessible to family members or visitors. When transporting files to and from a CPSE meeting, confidentiality of the record must be maintained. For example, if attending more than one meeting, staff should secure the 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 in-person meeting(s). When treating in the home or community location only carry the file of the child receiving services.
- During preschool classes, the provision of individual or group services, parent participation groups whether in person or via media platforms, 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 class lists, schedules, notices, etc. which reveal personally identifying information regarding any Building Blocks student or family.
- 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, coordinators and supervisors, school nurses, teachers, therapists and administrative staff responsible for provision of services and the maintenance of associated records. All removable electronic storage devices containing personally identifiable information and backup tapes are stored in locked containers in specified secured locations.
- The computer network is protected by a Sonicwall firewall, Datto Siris Business Continuity/Disaster Recovery device.

- Building Blocks Developmental Preschool has a secure file transport e-mail system that uses password protection and encryption. All work station computers are password protected.
- 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, Nassau or Suffolk County DOH personnel responsible for a child's program, without specific written parent permission. Staff should not discuss any confidential information within earshot of other persons not involved in a child's service provision. Staff should be particularly vigilant when in school hallways, playgrounds, or community locations outside of the school premises. Confidentiality must be ensured in all instances. All staff should 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.
- Staff should 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.
- If the need arises for communication between professionals other than those designated on a child's IEP (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.
- Service providers generally may communicate with parents via e-mail. In these instances, the parent must provide written, informed consent authorizing this manner of transmission.
- 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.
- E-mailed reports must be directed to a specific person (administrative assistant, assistant director, coordinators, Executive Director) using a secure file transport to a password protected computer station.
- 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, SEIT or RSO programs. Employees of the New York Education Department, the New York State Department of Health, other state 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 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.

- If an instance arises when a person not involved in the direct provision of services is required to review a child's record (for Quality Assurance, etc.) specific parental permission must be obtained.
- 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 Compliance Officer will contact NYS Department of Health's Division of Legal Affairs, Bureau of Medicaid Law at 1-518-408-1495.
- If instances arise when individuals other than the parent, approved evaluator, service provider, supervisors/coordinators, or authorized federal, state or municipal employee do not have the regulatory 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.
- 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 or designee.
[Article 27-F of the New York State Public Health Law Article 27-F specifically protects the confidentiality of information about the people who have HIV-Infection, or who have considered or undergone HIV testing. The identity of any child with HIV infection cannot be disclosed to anyone without specific consent by the parent or legal guardian. This information may not be disclosed verbally or contained in any written records, for example, evaluations, progress reports, etc.]
- A child's personally identifiable information cannot be sold or released for any commercial purpose. Specific parental or guardian permission must be obtained for any photos used for classroom posts (either on-site at school or on virtual classrooms) or the school's website. Staff may not post any student/family information/photos online (including but not limited to Instagram, Facebook or Snapchat)
- 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 Confidentiality Policy 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.

- 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 (see attachment). 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 IEP. The respective school district personnel will be notified and the CPSE chairperson for the child's school district who issued the IEP will be responsible to authorize any changes.
- Building Blocks Developmental Preschool does not maintain records that co-mingle different children's information. Preschool teachers, therapists, psychologists, social workers, and behavior specialists should be especially vigilant, when writing group session logs and reports, not to mention other children by specific name.
- A child's records are retained until a child reaches age 21.
- All records containing personally identifiable information are disposed of by shredding. 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.
- Service providers should be aware that special circumstances may apply in the retention of child records for children in foster care.
- 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., bulletin board displays, web-site etc.). All teachers, therapists and other service providers must check each child's main record for these permission forms prior to taking photographs or videos.



BUILDING BLOCKS

DEVELOPMENTAL PRESCHOOL

29 PINWOOD DRIVE, COMMACK, NEW YORK 11725

(631) 499-1237 FAX: (631) 499-1074 www.bbdps.org

Please be advised that you may review your child's record (including initial evaluation, progress reports, IEP, session log notes, etc.) by following the outlined procedure:

1. Notify the school's executive director via written request.
2. Upon 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.
3. An Administrator will be available to answer any questions pertaining to information maintained in your child's file.
4. A copy of any information requested will be provided within ten working days. Copies will be presented in person but can be mailed to a child's legal address if so requested. (A fee for copies may apply)
5. If any personally identifiable information in your child's record is found to be inaccurate, an amendment will be made. The overseeing CPSE will be notified of your request for any changes. Please speak directly to the executive director should any change be warranted.



BUILDING BLOCKS

DEVELOPMENTAL PRESCHOOL

29 PINWOOD DRIVE, COMMACK, NEW YORK 11725

(631) 499-1237 FAX: (631) 499-1074 www.bbdps.org

Building Blocks Developmental Preschool's Confidential Policy and Procedures are outlined in the Confidentiality Policy Manual as well as the Compliance Document and the Employee Manual. Sharing of any information (including but not limited to written records, verbal communication, photos, communication via e-mail) of any child who has attended or who is currently attending Building Blocks Developmental Preschool is prohibited and must remain confidential. Information can only be shared with parents or when an appropriate release is signed by parents or guardians. Please note that the sharing of any information with grandparents, nannies, babysitters, parent's relatives or friends is prohibited unless a release has been obtained.

Accordingly, any staff member who violates this policy will be subject to disciplinary action up to and including termination.

I acknowledge receipt and understanding of Building Blocks' Confidentiality Policy.

Signature: _____ Date: _____



BUILDING BLOCKS

DEVELOPMENTAL PRESCHOOL

29 PINWOOD DRIVE, COMMACK, NEW YORK 11725

(631) 499-1237 FAX: (631) 499-1074 www.bbdps.org

CHILD'S Name: _____ DOB: _____

Parent or Guardian Name: _____

E-Mail Address: _____

I request to communicate with my child's teacher, teaching/treatment team, and the administrative and clerical staff of Building Blocks Developmental Preschool concerning my child's education, electronically without encryption. Please be aware that personal e-mail communications may contain personally identifiable information. Sending personally identifiable information by e-mail has a number of risks that you should be aware of prior to giving your permission for this form of communication. The risks include but are not limited to, the following:

- E-mail can be forwarded and stored in electronic and paper format easily without prior knowledge of the parent.
- E-mail senders can misaddress an e-mail and personally identifiable information can be sent to incorrect recipients by mistake.
- E-mail sent over the Internet without encryption is not secure and can be intercepted by unknown third parties.
- E-mail content can be changed without the knowledge of the sender or receiver.
- Backup copies of e-mail may still exist even after the sender and receiver have deleted the messages.
- Employers and online service providers have a right to check e-mail sent through their systems.
- E-mail can contain harmful viruses and other programs.

The staff and faculty of Building Blocks Developmental Preschool will use personal phone calls and sealed written notes as the primary form of communication when information contains personally identifiable information. By your signature on this form, you are allowing staff to respond electronically to any e-mail communications from you.

Parent Signature: _____ Date: _____