

State Special Education
Advisory Panel (SEAP)
and
Interagency Coordinating
Council (ICC)

Understanding FERPA:
The Family Educational
Rights and Privacy Act
as it Relates to the
SEAP/ICC

A Primer for Panel and ICC
Members

How Confidentiality and Privacy Relates to Panel/ICC Activities

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 <p>Technical Assistance for Excellence in Special Education</p>	<p>This presentation was developed by the Technical Assistance for Excellence in Special Education (TAESE) Center, the technical assistance division of the Center for Persons with Disabilities, a University Affiliated Program at Utah State University.</p>
 <p>UtahState UNIVERSITY College of Education and Human Services Center for Persons with Disabilities</p>	<p>The content of this document does not necessarily reflect the position or policy of the Office of Special Education Programs (OSEP), the Office for Civil Rights (OCR), or USU and no official endorsement should be inferred. This document is not intended to provide legal advice; always check with your school attorney.</p>
	<p>This information could be made available in alternative format, including large print, Braille, audio tapes, or CD.</p>

INTRODUCTION

The purpose for this brochure is to provide a short explanation of the Family Educational Rights and Privacy Act (FERPA) and the implication for the State Special Education Advisory Panel and Interagency Coordinating Council members.

FERPA was developed to protect the privacy of children regarding their educational records and other information maintained by the school. FERPA applies to all children, not just children with disabilities. FERPA also provides an opportunity for parents to challenge their child's educational record. There was a time when schools and programs would include whatever information they wanted in a child's record, regardless of whether it was factual. In the past, parents had no right to challenge the educational record. FERPA has changed that practice.



Maintaining confidentiality and privacy is a moral and ethical issue. Sharing information with individuals who have no need to know might lead to a violation of a child's civil rights.

It is best practice to provide awareness, training and information for school staff and early childhood programs regarding the importance on maintaining confidentiality and privacy. This same information would be valuable for State Special Education Advisory Panel and Interagency Coordinating Council members. Panel members need to be informed that the confidentiality and privacy needs to be practiced and respected at Panel/ICC meetings.



FERPA AND THE PANEL/ICC

As you are aware, each Panel/ICC member represents a stakeholder group. The role of the Panel/ICC member is not to advocate for their individual child but to provide advice and

suggestions to improve services for children and youth with disabilities in the State. The Panel/ICC member should speak on behalf of their stakeholder group.

It would be inappropriate to discuss individual children and their programs at a Panel/ICC meeting. Naming individual children, school and program staff, or administrators would violate the intent of FERPA. The Advisory Panel/ICC would not be the venue to discuss the individual student issues. There are other processes available if a parent is not satisfied with their child's special education program, including the following:

- Talking with the child's teacher(s)
- Requesting an IEP/IESP Review
- Asking for help from the State Parent Information Center or Protection and Advocacy
- Requesting mediation
- Filing a State complaint

↗ Filing for a Due Process Hearing

↗ Agreeing to a resolution meeting

It might be appropriate to bring up individual situations to make your case, but not using names of students, school staff, administrators, or location.



Remember—violating confidentiality is against the law.

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