

 <b>Policy MSP-3</b>	<b>Effective Date: 9/26/17</b>	<b>Page #: 1 of 6</b>
<b>Ref #:</b> 1303.20, 1303.21, 1303.21a, 1303.21b, DCL 1240-04-01-08	<b>Policy Council Approval Date:</b> <b>9/26/17</b>	

**COMPONENT: PROGRAM DESIGN & MANAGEMENT – MANAGEMENT SYSTEMS & PROCEDURES**

**SUBJECT: RECORD-KEEPING SYSTEMS**

**POLICY:** To maintain efficient and effective record-keeping systems that provide accurate and timely information regarding children, families and staff while ensuring confidentiality of such information.

**PROCEDURE:**

**Program Procedures – Applicable Confidentiality Provisions**

If the program is an educational agency or institution that receives funds under a program administered by the Department of Education and therefore is subject to the confidentiality provisions under the Family Educational Rights and Privacy Act (FERPA), then it complies with those confidentiality provisions of FERPA instead of the provisions in 1303.20.

If the program serves a child who is referred to, or found eligible for services under, IDEA, then a program must comply with the applicable confidentiality provisions in Part B or Part C of IDEA to protect the PII in records of those children, and, therefore, the provisions in this subpart do not apply to those children

ChildPlus is utilized as the child/family database. Red-e Set Grow is utilized for child assessments and outcomes. Standard forms will be used throughout all component areas to allow consistency and to simplify collection of information. Types of records kept by Highland Rim Head Start are listed below and are not all inclusive:

**Children:**

- Enrollment
- Income & Age
- Eligibility
- Health
- Child Development
- Screening
- Child Assessment
- Child Abuse/Neglect reports
- Medications required
- Child Observation reports
- Attendance & Meal Participation
- Parent Teacher Conferences
- Home Visits Documentation
- Community Complaints
- Communicable Disease Reports
- Accident/Injury Reports

**Family:**

- Assessments
- Partnership Agreements
- Parent Interests Surveys
- Emergency data
- Goals
- Parent Committees

**• Staff & Consultants:**

- Personnel Records
- Professional Development Plans/Training Records
- Performance Evaluations
- Contracts
- Confidentiality
- Conflict of Interest
- Emergency Data
- Credentials /
- Certifications
- Resumes
- Transcripts
- DHS Licensing Requirements

## **NOTICE/DISCLOSURE TO PARENTS OF HEAD START CONFIDENTIALITY POLICIES AND PROCEDURES**

Upon a child's enrollment in Head Start, parents will be furnished a copy of the Parent Handbook, which contains Head Start's policies and procedures on confidentiality.

### **LIMITS OF CONFIDENTIALITY**

Staff and parents must understand there are limits to the confidentiality protection of Head Start records and information. There is no testimonial privilege in Tennessee for Head Start staff. They can be compelled to testify in a court of law as to information contained in Head Start records as well as information from their own personal knowledge. It is very important staff consider carefully the information included in written records to assure it is objective, factual, accurate, and clearly to family/program needs and services.

Parents should also be informed the information provided to a Head Start staff member will be shared as needed with other Head Start staff members who work with the child or family.

Except for court ordered testimony and the emergency circumstances described elsewhere in the policy, parents must be assured that information provided to Head Start will be protected by its confidentiality procedural safeguards, and will not be shared outside of Head Start, except with their prior consent.

In the event of a court order or subpoena for a release of Head Start records, parents will be notified when possible, of such subpoena or judicial order prior to their release to allow time for preventive legal action by them.

In the event of child abuse or neglect reporting, the Family Service Manager or designee will provide requested information regarding children or the family with the Department of Children Services or other official investigative department officer.

### **RELEASE OF INFORMATION WITHOUT WAIVER/INFORMED CONSENT**

Emergency circumstances could require the release of confidential information without the consent of parents. Information may be released without parental consent in the events of a safety or health emergency. The decision to release such information must be based on the threat to the health or safety of the child, the need of the information to adequately deal with the emergency, and the extent to which time prohibits contacting parents for information release consent.

## **PARENT ACCESS TO HEAD START RECORDS**

Parents have full review and access rights to information specifically regarding their own children which is collected and maintained by the Highland Rim Head Start Program. Head Start will comply with parental request for review of their child's records promptly and, in any case, within thirty (30) days of such written request except when the Head Start agency has been advised that the parent's authority has been removed by applicable state laws regarding guardianship, separation, or divorce. Foster children's parents are included.

The parental right to inspect and review Head Start records includes the right to a response from the Head Start agency to reasonable requests for explanations and interpretations of data, test results, etc.

When a record includes information about more than one child, parents may review only the portion regarding their own child.

Parents may obtain, upon request, a list of the types and locations of personally identifiable information (regarding their children/family) maintained by Head Start. When parents, after review of their child's records, are not in agreement with information maintained in the records, they may request, in writing, to have the record corrected/amended. If the parent and the Head Start Director are unable to agree to the requested amendment(s), the parents' request and all explanations must be maintained with and become a part of the permanent record.

**Foster children are considered to be a ward of the state not the foster family.** The child's social worker has the legal authority to sign forms for release of information and permissions and to inspect the child's educational records.

Members of self-assessment teams have access to children's records only if they are Head Start employees; Policy Council members, Board of Directors, Parent Committees, parent and community members of the self-assessment teams **do not** have access to children's files.

## **RELEASE OF CONFIDENTIAL INFORMATION**

Confidential information will be released to other agencies and/or persons **only** with parental consent. Consent will be obtained for each child and released information will be specific to the purpose for which it is being released.

Examples of situations where confidential information would be released with written consent of the parents:

- Providing important background information and screening results to professional diagnosticians under consultant contract for diagnostic services.

- Providing information to M-teams for development of and placement in Individual Education Plan for a disability child.
- Providing information to other agencies/persons from whom Head Start is securing special services to supplement regular Head Start program services.
- Providing health and education assessment data and appropriate program information to subsequent placement of a Head Start child (public school, other preschool program, etc.)

**Informed consent** for release of information requires, for the consent to be effective, that the parent has been fully informed regarding:

- The specific information/record to be shared
  - The person/agency to receive the information
  - The purpose/use to be made of the information
- The reasonable consequences of the release of the information, or of the refusal to consent to the release of information. Any refusal to consent will be properly documented.

A copy of the signed, dated consent release form, including the information identified above, will be furnished along with the information to be released and a copy will remain in the Head Start record.

### **PRESERVING THE CONFIDENTIALITY OF RELEASED INFORMATION**

Administration of Children, Youth and Families (ACYF) requires the Head Start Grantee establish safeguards and security measures to preserve the confidentiality of personal and private information collected from and about Head Start families and children as a result of their participation in Head Start.

This requirement extends to persons/agencies with whom Head Start contracts for services.

Head Start confidentiality policies and procedures will be furnished to consultants and service providers as part of their orientation to Head Start.

### **GENERAL PROCEDURES FOR CONFIDENTIALITY**

The greatest break in confidentiality occurs between Head Start colleagues. Informal conversations, talking in front of office staff with differing degrees of responsibility, or in front of outsiders (visitors) can be a violation of confidentiality and privacy of the Head Start family. You need to be conscious of **LOOSE TALK WHERE, WHEN AND IN FRONT OF WHOM** you discuss Head Start families.

### **CLASSROOM RECORDS ARE TO BE KEPT UNDER LOCK AND KEY AND EACH REVIEW DOCUMENTED**

All children's records, whether in the classroom or the Central Office, must be secured by lock and key. To ensure all children folders are maintained in a secure, confidential manner:

- Children's folders are kept in a locked file cabinet at all times.
- Each time a child's folder(s) is removed from the file cabinet(s), it must be signed out with the following information documented on an "OUT" tab in the child's folder and put in the place of the file until the file is returned.
  - Initials of person removing the folder
  - Name of child
  - Date
- After the folder has been removed, the cabinet(s) must be locked.
- When you finish with the child's folder(s), return the folder, initial and date the "OUT" tab, and ensure the file cabinet is locked.