

 Policy #: A-2	Effective Date: 2/8/95	Page #: 1 of 5
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COMPONENT: ADMINISTRATION

SUBJECT: CONFIDENTIALITY

PERFORMANCE OBJECTIVE: To establish a standard procedure for maintaining confidentiality of all information and records for children, parents and **staff** of Head Start.

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.

OBTAINING CONFIDENTIAL INFORMATION

Staff members will be provided training annually, on Head Start policies and procedures to ensure that the child/family are protected by program policies and procedures.

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 the 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 to whom information is directed will be included on a cover letter which identifies the information as “CONFIDENTIAL”.

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.

Parents will be notified of such incidents as soon as possible after the occurrence by the Head Start Director or other designee.

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.

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.

A parent maintains full access rights to review Head Start information relating to his/her child, 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.

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 permission 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 informed parental consent. Consent will be obtained for each release of information and will be specific as to the purpose for which the information is being released.

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

1. Providing important background information and screening results to professional diagnosticians under consultant contract for diagnostic services.
2. Providing information to M-teams for development of and placement in Individual Education Plan for a disability child.
3. Providing information to other agencies/persons from whom Head Start is securing special services to supplement regular Head Start program services.
4. 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:

5. The specific information/record to be shared
6. The person/agency to receive the information
7. The purpose/use to be made of the information
8. The reasonable consequences of the release of the information, or of the refusal to consent to the release of information.

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.

General information can be released without written consent. Examples of general information include: number of special need/disabled children; compiled family needs assessment data, number of children by age, etc.

Information gathered by Head Start is for the use of the Head Start Program only. This specifically prohibits Head Start grantees and other operating agencies from making this information available to other programs and persons within its larger organizational framework. General, nonspecific information, can be shared but information that is personally identifiable can not be shared without written informed consent of the parents.

Diagnostic service contractors, parents, and volunteers must adhere to Head Start confidentiality policies and procedures.

Volunteers

Classroom volunteers do not have access to classroom files. In the case where a volunteer is assigned to a specific child to work with: the classroom staff (teacher or assistant) will review the child's file to determine what specific objectives the volunteer is to do with the child. The classroom staff can then give this information to the volunteer as to what task should be worked on and how to do it.

Recording child information into classroom records is not to be assigned to a volunteer.

Volunteers should be 18 years of age, unless they are mainstreaming from the county school system, **or completing community service hours.**

All persons who volunteer in the classroom must have a negative TB skin test. People who volunteer their services more than twenty (20) hours per calendar week will be required to meet the qualifications of a substitute. They must submit to a criminal background check which includes fingerprinting by an agency chosen by the Department of Human Services. They also must pass a Department of Human Services physical, and must attend an eight (8) hour orientation training.

Head Start staff member's children under the age of 18 years of age, who are not enrolled, are prohibited from being at the center during normal operating hours. Substitutes as well as full time

staff are **not allowed** to work in the classroom with their own children who are enrolled in the Head Start Program.

Siblings not enrolled in the Head Start program should not be present in the center, unless an emergency warrants it and even then, it should be cleared through the Head Start Central Office. This also applies to the time a parent spends at a Head Start party.