

Education Service Center, Region 20  
Head Start Program

Procedure or Form Title	Privacy of Child Records
Timeline	Ongoing throughout the school year
Location of Documentation	Parent Center – Child File, Child Plus
Performance Standard	Privacy of Child Records (Subpart C – 1303.20 – 1303.24)

Procedural Steps		Staff Responsible
1.	<p><b>Confidentiality of Identifiable Information in Child Records</b></p> <ul style="list-style-type: none"> <li>✓ Child Files are maintained in locked filing cabinets.</li> <li>✓ The key(s) to the locked filing cabinets containing Child Files shall be maintained by FSA staff in an agreed upon private location in the Parent Center so all appropriate Head Start staff can use the key to access files.</li> <li>✓ Child File records are never removed from the Parent Center unless the program is auditing them.</li> <li>✓ Staff must sign into the Child File each time they open it.</li> <li>✓ A Statement of Confidentiality is at the front of each file as a reminder to staff about their responsibility to maintain secure documentation.</li> <li>✓ Child File records that are transported within the program to another location are delivered to the transfer location the same day they are removed.</li> <li>✓ Child File records are never in the possession of staff overnight in their home or vehicle.</li> <li>✓ Staff are required to never leave Child File records out or unattended.</li> <li>✓ Access to Child Files is limited to program staff, ISD staff, the child's parent/guardian and those individuals authorized under FERPA law.</li> </ul>	<p>Management Team FSA Teachers Assistants All ISD staff who have legitimate educational purpose to access child records</p>
2.	<p><b>FERPA</b></p> <ul style="list-style-type: none"> <li>✓ <i>Individuals</i> is defined by this agency as school or auditing officials with legitimate educational interests in the disclosed records.</li> <li>✓ The Family Educational Rights and Privacy Act (FERPA) identifies the following individuals as having legitimate educational interests and does not require consent for disclosure: <i>A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or child serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.</i></li> </ul>	<p>Management Team FSA Teachers Assistants All ISD staff who have legitimate educational purpose to access child records</p>
3.	<p><b>IDEA</b></p> <ul style="list-style-type: none"> <li>✓ Parent/guardian signed and dated consent is obtained to allow the program access to the following disabilities related documentation: ARD Meeting Minutes, Individual Education Plan (IEP), 504 Documentation, Behavioral Intervention Plan, if applicable, and Accommodation Page, if applicable from partnership ISD where the child is dually enrolled</li> </ul>	<p>Management Team FSA Teachers ISD Special Education Staff</p>

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	<ul style="list-style-type: none"> <li>✓ Parent/guardian signed and dated document also includes consent for Head Start staff to attend the ARD meeting and provide support for needed services.</li> <li>✓ The IEP is kept in the classroom in a locked cabinet and in the Child File in the Parent Center in locked cabinet.</li> </ul>	
4.	<p><b>Disclosure of Child's Personal Information With Parent Consent</b></p> <ul style="list-style-type: none"> <li>✓ Parent/guardian signed and dated consent is obtained to allow the program to receive from or provide the ISD child education records.</li> <li>✓ This notification and consent are obtained both annually and on an as needed basis.</li> <li>✓ Parents/guardians may at times provide documents that have been requested by the program or voluntarily given to the program to provide to the ISD.</li> <li>✓ If the parent/guardian provides the program with documentation they want to be given to the ISD, then the FSA staff are required to have the parent/guardian sign the <b>Parent Consent to Disclose Non-Educational Documentation</b> form. <ul style="list-style-type: none"> <li>o Examples – legal documents (child custody, divorce decree, Power of Attorney, Foster Care Placement Record, etc.), birth certificate, parent ID or driver license, immunization records, proof of residence, child social security card, additional income documents needed for Pre-K eligibility determination, proof of resources (SNAP, Medicaid, WIC, TANF, housing benefits, etc.), health records (allergy action plan, health condition action plan, notations made by physicians on physical exam that are relevant to child special needs, etc.),</li> </ul> </li> </ul>	<p>FSA School Readiness Coach Community &amp; Family Program Manager Program Coordinator</p>
5.	<p><b>Disclosure of Child's Personal Information Without Parent Consent</b></p> <ul style="list-style-type: none"> <li>✓ Includes other school officials and ISD staff with legitimate educational interest excluding information needed to determine eligibility for state Pre-K.</li> <li>✓ Federal review audit for the Head Start program</li> <li>✓ Federal or State entity conducting a study to improve the program</li> <li>✓ Appropriate health and safety agencies in emergency situations where risk factors have been identified in community</li> <li>✓ Compliance with a judicial order or lawfully issued subpoena <ul style="list-style-type: none"> <li>o FSA staff forward the request to their Coordinator so it can be reviewed by ESC-20 attorneys for input and guidance</li> </ul> </li> <li>✓ Compliance with Child Protective Services request</li> <li>✓ Compliance with Food &amp; Nutrition Service monitoring activities</li> <li>✓ Requests regarding documentation for children placed in foster care</li> <li>✓ ESC-20 financial audit that reviews ERSEA records</li> </ul>	<p>FSA Community &amp; Family Program Manager Program Coordinator</p>
6.	<p><b>Memorandum of Understanding (MOU)</b> The program has annual MOU documents with the partnership school districts. The areas of Special Education, Health Services, Nutrition Services, and Mental Health Services include statements regarding confidentiality of child records.</p>	<p>Component Director</p>
7.	<p><b>Parent Rights to Child Records (legal parents/guardians)</b> Parents/guardians have rights to their child's records for the following:</p> <ul style="list-style-type: none"> <li>✓ To inspect and review the child's educational records</li> <li>✓ To amend the records</li> <li>✓ To request a copy of documents that are in the records</li> </ul>	<p>FSA Community &amp; Family Program Manager</p>

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<b>8.</b>	<p><b>Maintaining Child Records</b></p> <ul style="list-style-type: none"> <li>✓ Child Files are maintained in the Parent Center at each location in a locked file cabinet with signature requirement when entering Child File. Records are maintained for five (5) years plus the current year. Child Files are brought to ESC-20 in sealed boxes and labeled for destruction.</li> <li>✓ Child Plus is an installed software with individual passwords and accessible through program computers that are secure with passwords. Only staff who have a need to access child information have access to Child Plus. Records are maintained for Five (5) years plus the current year before being purged through the Child Plus database system.</li> </ul>	<p>FSA Community &amp; Family Program Manager Program Coordinator</p>
<b>9.</b>	<p><b>Security of Child Records (print, electronic, digital – media, video, image or audio format)</b></p> <ul style="list-style-type: none"> <li>✓ <b>Child Files</b> - All child records are kept in the Parent Center in a locked file cabinet with sign-in requirement when entering Child File. No Child Files are ever in the personal possession of staff outside of the Parent Center unless the child records are transported to another location because the child has transferred within the program. If records are brought to ESC-20 they are maintained in a secure, locked area and returned to the ISD location as soon as possible.</li> <li>✓ <b>Parent Consent</b> - Parents/guardians are required to sign and date a consent form for the program to use or not use their child’s image or voice for educational purposes at the beginning of the school year. If the parent/guardian chooses to not authorize the use of the child’s image or voice, staff are required to strictly comply and ensure appropriate safeguards are in place when taking photographs, videos, etc. of the program.</li> <li>✓ <b>Child Plus</b> – Individual staff account passwords are prohibited from being shared with other staff. The computer screen is required to be locked if staff step away from the computer while Child Plus is open. Printed reports that include child information are maintained in locked cabinets and/or shredded after use.</li> <li>✓ Reports that are printed at ESC-20 for distribution to the school district locations are timed so the reports are kept secure and delivered to the location as soon as possible without being in the possession of staff overnight.</li> <li>✓ At the coordinator’s discretion, specific documents are faxed to desktop fax number, reviewed and processed as necessary. These documents are then scanned and emailed to the appropriate staff for filing. The working document is then shredded.</li> </ul>	<p>Management Team FSA Teachers Assistants All ISD staff who have legitimate educational purpose to access child records</p>
<b>10.</b>	<p><b>Electronic Transmission of Child Information</b></p> <p><b>FAX</b> – Staff send and receive secure information to their computer through FAX or scan and email. If child information is printed on a public printer, staff are required to follow a secure print process that requires the use of their ESC-20 badge to permit the print request to be completed while they are present at the printer to retrieve it immediately.</p> <p>Child information that is sent to the program from other sources, such as health/dental clinics, email documents to the Health Facilitator who then forwards to the FSA staff to print for the Child File.</p>	<p>Management Team FSA</p>

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	<p><b>Child Plus Text Feature</b> - If parents/guardians have requested that staff contact them through text, staff are required to limit transmitted information to information that is not specific or identifiable.</p> <p><b>Email</b> – If staff email <u>between each other</u> about children or families, staff are required to limit transmitted information to information that is not specific or identifiable. If parents/guardians have requested that staff contact them through email, staff are required to limit transmitted information to information that is not specific or identifiable.</p> <p><b>Cell Phone Text</b> – Work related information is prohibited from being texted <u>between staff</u> members about children or families on their personal cell phones. If parents/guardians have requested that staff contact them through text, staff are required to limit information to information that is not specific or identifiable.</p> <p><b>Electronic Notification Systems</b> – ESC-20 staff do not initiate these types of accounts, typically school districts use this for mass communications.</p> <p><b>Social Media</b> – Program staff prohibited from posting on any social media medium, such as Facebook, Twitter, Snapchat or Instagram. ESC-20 and ISD’s may post program information on their social media.</p>	
11.	<p><b>Violation of Privacy Consequences</b> – If staff violate the privacy of families and/or children, the potential consequences for the program could include a loss of federal funding and/or a formal complaint to Health &amp; Human Services. Individual staff consequences to violating the Privacy of Child Records procedure could result in disciplinary action in accordance with ESC-20 or the respective Employer Policy &amp; Procedures.</p>	<p>ESC-20 HR and Supervisors LEA HR and Supervisors</p>