

Confidentiality

Agencies participating in the Infant Toddler Program must protect the confidentiality of any personally identifiable data, information, and records that are collected or maintained concerning a child, the child's parent, or another family member. Parents of children who are referred to or receive services are also afforded the opportunity to inspect and review records regarding their family and child.

Confidentiality

- Confidentiality ensures the protection of any personally identifiable data, information, and records collected or maintained by participating agencies, including the state lead agency and early intervention providers in accordance with the protections under the Family Educational Rights and Privacy Act (FERPA) in 20 U.S.C. 1232g and 34 CFR part 99.

Confidential information is protected and not released according to Idaho Code 9-340 and IDAPA Rules 16.05.01.223.

- Personally identifiable information of a child and family are contained in early intervention records collected, used, or maintained by the lead agency or early intervention service provider.

Personally identifiable information is confidential.

- The confidentiality requirement under Part C, IDEA starts from the point in which a child is referred for services until the later of when the participating agency is no longer required to maintain or no longer maintains that information under applicable Federal and State Laws.
- The lead agency must disclose to the SEA and LEA where the child resides, in accordance with the transition requirements, the following personally identifiable information under IDEA, Part C: This disclosure does not require parent consent.
 - Child's name
 - Child's date of birth
 - Parent contact information (including parents' names, addresses, and telephone numbers).
- Parent must provide consent by signing releases for the exchange of personally identifiable information to anyone other than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using the information under Part C, IDEA and if used for any purpose other than meeting a requirement of Part C IDEA.
- The Infant Toddler Program or other participating agencies cannot release personally identifiable information, as defined in Part C, IDEA, to any party except participating agencies (including the Infant Toddler Program and early intervention service providers) that are a part of the Idaho Part C system without parental consent unless authorized to do so under:
 - Disclosure of information for transition; or
 - One of the exceptions enumerated in 34 CFR 99.31 (where applicable to Part C), which are expressly adopted to apply to Part C through this reference. In applying the exceptions in 34 CFR 99.31 to Part C of IDEA, participating agencies must also comply with the pertinent

conditions in 34 CFR 99.32, 99.33, 99.34, 99.35, 99.36, 99.38, and 99.39; in applying these provisions in 34 CFR Part 99 to Part C, the reference to:

- 34 CFR 99.30 means §303.414(a);
 - “Education records” means early intervention records as defined in this document;
 - “Educational” means early intervention under Part C;
 - “Educational agency or institution” means the participating agency defined in this document;
 - “School officials and officials of another school or school system” means qualified personnel or service coordinators under Part C;
 - “State and local educational authorities” means the NJEIS; and
 - “Student” means child under Part C.
- Releases shall name all agencies, providers, and individuals (by name and position) to whom information may be disclosed, specific type of information to be disclosed, and the purpose of the disclosure.
 - Parent may limit the information disclosed and to whom by indicating their wish to do so in writing.
 - All releases are revocable at any time and must say so. Consent for the release of information is valid for up to twelve (12) months or less, as specified on the document.
 - The following safeguards must be in place to ensure confidentiality of records:
 - Records are maintained in a secure location;
 - Each local participating agency/provider must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;
 - One official of each local lead agency is responsible for ensuring the confidentiality of any personally identifiable information;
 - All persons collecting or using personally identifiable information must receive training or instruction regarding Idaho's Part C policies and procedures which comply with IDEA and FERPA;
 - Each local participating agency/provider must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information; and
 - The local participating agency/provider must inform parents when personally identifiable information collected, maintained, or used under Part C is no longer needed to provide services to the child.
 - The Infant Toddler Program must provide policies and procedures to be used if a parent refuses to provide Consent to release information. If a parent refuses Consent to release information:
 - No action is taken to coerce a parent/guardian to Consent to sign a release of information.

- Parent shall be informed of potential benefit of releasing information.
- If circumstance of refusal to consent constitutes abuse or neglect, the parent/guardian is informed verbally or in writing and referral is made immediately to Child Protection Services.

Notice to Parents

- The Infant Toddler Program must provide notice to parents that will fully inform them about the confidentiality requirements including:
 - A description of the children on who personally identifiable information is maintained, the types of information sought, the methods the Infant Toddler Program intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
 - A summary of the policies and procedures that the lead agency must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information;
 - A description of all rights of a parent and the child regarding this information, including their rights under the Part C confidentiality provisions; and
 - A description of the extent that the notice is provided in the native languages of the various populations groups in Idaho.

Examination of Records

- Parents of children who are referred to, or receive services under Part C, IDEA, have the opportunity to inspect and review all Part C early intervention records regarding the child and their family that are collected, maintained, or used by the program relating to screening, evaluations and assessments, , eligibility determinations, development and implementation of IFSPs, provision of early intervention services, individual complaints concerning the child, and any other records of the Early Intervention Program regarding the child and child's family.
- A log is maintained of requests for access to Infant and Toddler records :

This log includes the name, agency affiliation, date, and purpose for accessing the records. A log documenting denials for records and partially fulfilled requests should also be maintained.