

Data Privacy & Confidentiality

5 Things for Part C/619 Stakeholders to Know

1

Information that, alone or in combination, can be connected to a specific child that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the child with reasonable certainty is considered personally identifiable information (PII). This includes information such as the name of the child, the child's parent, or other family member; the address of the child/family; and a personal identifier, such as the child's social security number or student number.

2

IDEA and FERPA include confidentiality provisions that protect PII in education and early intervention records collected, maintained, or used under both Part B and Part C of the law.

3

FERPA is a federal law that protects personally-identifiable information (PII) in students' education records from unauthorized disclosure. (Note: Early intervention, IDEA Part C, records are considered "education records" under FERPA. The law also affords parents the right to have access to their children's education records and to seek to have the records amended, as well as the right for parents and eligible students to have some control over the disclosure of PII from education records.

4

States are required to have policies and procedures in place regarding the disclosure of PII. Disclosure means to permit access to or the release, transfer, or other communication of PII by any means. They are also required to implement strategies for protecting PII in aggregate reports, such as publicly-available IDEA Annual Performance Reports (APRs).

5

FERPA requires IDEA programs to maintain direct control over the use and maintenance of students' education records and to use reasonable methods to ensure that people obtain access to only those education records in which they have an educational interest.