

Child and Family Records: Confidentiality and Organization

Head Start Performance Standards

§ 1303.20

§ 1303.22

§ 1303.23

§ 1303.24 (a)

Office of Childcare Regulation

#414-300-0060 Record Keeping for licensed centers

Policy

All information that pertains to children and families and which are maintained by Community Action Head Start shall be confidential and open for inspection only in accordance with applicable federal, state and local laws and regulations, and with the Head Start Performance Standards.

The Head Start Director is the official custodian of all records. The Family Services Supervisor is the designated staff member to review any child or family records request.

Information about children and families in Early Head Start/Head Start is confidential and must be always kept safe and secure. Child and family files that contain personally identifiable information are maintained and kept confidential at all program levels. Confidential child and family information cannot be shared with anyone, including community partners, without the specific permission of the family. Staff must obtain a **Release of Information (ROI)** form with specific details about what information can be released, to whom, and when, before discussing or sharing any information with anyone outside Community Action Head Start.

Personal Identifiable Information (PII)

Information such as names, addresses and phone numbers are personal and can only be published, posted or distributed with written permission from a parent/guardian. Files with this type of information must be kept in locked file cabinets.

Parents of children enrolling in Early Head Start/Head Start will be notified during the registration and/or orientation of Community Action Head Start's policies on confidentiality of child and family records.

The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records. FERPA allows schools to disclose information from a student's education record, without consent to other schools to which a student is transferring. Parents of Head Start children will be asked during orientation to sign a School District **ROI** to allow Health information and family records to be shared with the public-school district in which the child and family reside.

The types of records we maintain, and store include:

- Enrollment applications
- Eligibility records
- Attendance
- Health records, including records of screenings and immunizations.
- Parent communication about absences, health and safety.
- Family Services records.
- Child educational assessment.
- Observations.

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- Individual Family Service Plans (IFSP) for children receiving services from Early Intervention/Early Childhood Special Education (EI/ECSE) programs (see below under **Records of Children with Special Needs** section for more specific related information)
- Emergency contact information provided by families.
- If applicable, copies of court orders, custody agreements and restraining orders that pertain to an enrolled child.
- Records of referrals made on behalf of a child or family.

Records Storage and Retention

Community Action Head Start maintains both paper and electronic copies of documents/files for children and families. Records shall be always kept safe and secure. Program staff are responsible for keeping paper files in a locked cabinet or file drawer when not in use. Blank forms and resource files do not need to be kept locked.

Electronic files are kept in ChildPlus and on the Community Action network. ChildPlus records are maintained throughout the year by staff members from many program areas, including Enrollment, Health, Disabilities and Mental Health, Family Services, Education and in our centers. To prevent unauthorized persons from accessing records, staff are responsible for logging out of their computers when they are not in use.

At the close of the school year, teachers clean out the children's files according to established guidelines described in the **Program Transition Services Policy and Procedure**. This Policy and Procedure describes which documents are given to parents and which documents are stored.

After children leave the program, their records are delivered to the Hillsboro Multi-Service Center. Records for all children are kept in secure storage under multiple locks for a total of seven years before being destroyed.

Student information maintained on the Community Action network is backed up via an offsite online storage system. Student information in ChildPlus and Teaching Strategies are maintained on those products' respective servers.

The **Daily Sign In and Out for Staff** forms are used to verify ratio and meet licensing requirements. These are saved at the site till the end of the program year and boxed and given to the Compliance Supervisor at the end of each year and must be kept at HMSC for two years.

Records of Children with Special Needs

To ensure children's needs are being appropriately met, EI/ECSE staff and consultants will provide and review a copy of each child's IFSP's with the child's Teacher/Home Visitor. If a child receiving EI/ECSE services is also receiving mental health consultation services, the mental health consultant will be included in the review of a child's IFSP with EI/ECSE staff and the child's Teacher/Home Visitor.

The child's IFSP will be stored securely in the child's folder by the Teacher/Home Visitor and documented in ChildPlus by the Disabilities & Mental Health (D&MH) Supervisor.

Each child with an IFSP will have a signed **NWRESD ROI** stored in the Attachments tab of the Disabilities module of ChildPlus. Each child receiving mental health consultation will have a signed **LWNW ROI** stored in the Attachments tab of the Disabilities module of ChildPlus. If the child is receiving both Mental Health and Disabilities services, there will be a separate **ROI** present for each service provider.

Mental Health Consultant notes and any data collected will be available in ChildPlus for review and case management on an ongoing basis in the Mental Health tab.

EI/ECSE staff and consultants notes, and any data collected will be provided via email by the end of the work week to the child's Teacher/Home Visitor. EI/ECSE staff and consultant notes and any data

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collected will be documented in ChildPlus monthly by the D&MH Supervisor and are also available by request from the Disabilities & Mental Health Supervisor on an ongoing basis.

Transporting Records

Staff may need to take forms or partial files to meetings. Staff must always keep the paperwork with them and return it to the locked file cabinet on site as soon as possible. Staff will never leave files unattended.

On rare occasions, staff may be out at a meeting or home visit after their site has already closed. If staff think that they may not be able to get back into their site, they will take a locked filing box with them. If staff are unable to re-enter the site, they will keep the files in the locked box. The locked box must be kept behind two locks; this is called the double lock rule. The locked box can be in a locked trunk if it is not visible and only if there is no other option. It could be in a locked room. Each class should have one portable locked filing box for this purpose.

Staff will return the file(s) to the locked file cabinet at the site as soon as possible.

Staff and Consultant Access to Records and Information

Staff members who have a direct service role with the child have access to the child's file and records. This disclosure happens without parental consent. Parents/guardians are assured that child records are held in total confidence between family and team. The child's team can include his or her Teacher/Home Visitor, Family Services Teacher, Assistant Teacher, Classroom Aide, , Program Area Supervisor (PAS), Bus Driver, Early Intervention Specialist, Component Supervisors, Program Managers, Behavioral Specialist, and Mental Health Consultant. Administrative staff has access to children's files for purposes of service coordination, program monitoring and responding to subpoenas for records from the courts. Staff members must distinguish between factual, observed information and individual opinions or concerns when providing this information.

Sharing Records and Information Outside the Program

As legally required, Community Action Head Start shares child and family data with our federal and state funders. This includes the annual federal **Program Information Report (PIR)**, the Oregon Department of Education Pre-Kindergarten Student Collection data and Preschool Promise program reports. Some reports require deidentified demographic data; other reports require personally identifiable information. To enable the program to complete these required reports, we request a **School District ROI** at enrollment to allow us to share child data with the receiving school district.

To ensure that the Oregon Department of Education has the necessary information to support families experiencing homelessness, Community Action Head Start shares our program data on homeless children with school district McKinney-Vento Liaisons at the end of each school year.

Other persons and organizations who may view children's files:

- Auditors and Head Start reviewers are required to review child records.
- State and local officials to whom information is required to be disclosed.
- Courts, when there is a subpoena or court order.

Verbal or written information about an Early Head Start/Head Start client can only be shared outside the team with written parent/guardian permission (**Release of Information Form**) or when ordered by the court. This requirement applies to requests from Child Welfare Services when CWS does not have legal custody of the child. For children in the legal custody of Child Welfare Services, the CWS caseworker has access to all information about the child as if they were the children's biological parent until legal custody is awarded to another person or organization.

When a child enrolls in our program and there is a CWS caseworker involved, the appropriate staff member contacts the child's caseworker. The caseworker can clarify who can sign consent forms, who can authorize medical treatment and who should be included in the Parent-Teacher Conference and home visits.

Identifying information and child and family progress information may be shared among agencies when both Early Head Start/Head Start and another agency support the family's program participation.

Forms Referenced:

[Child Abuse Report, Daily Sign In & Out,

School District Release of Information, NWRESA & LWNW Release of Information]

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Examples include families served by both Employment Related Day Care (ERDC) and Head Start. Parents/guardians are informed of this potential exchange of information when they enroll. Refer to **Coordinating Services with the Department of Human Services and Child Welfare for Foster Children Policy and Procedure** for more detailed information as it relates to CWS.

Confidentiality Exception when Reporting Suspected Child Abuse

When serving as mandatory reporters of suspected child abuse, staff are required to give the family name and address to Child Welfare Services staff regardless of parent/guardian permission. Staff will then fill out a **Child Abuse Report** and put it in the separate child abuse file. Child abuse reports are not considered part of the educational file, so parent/guardian do not have access to this. ***Never document child abuse reports in ChildPlus.*** Please refer to the **Child Abuse Reporting Policy and Procedure** for more information.

Parent/Guardian Access to Records

The parent/guardian is entitled to review their child's file on request unless there is a court order in place restraining them from access to the child's school. Non-custodial parents or both parents will be accorded full rights under applicable Oregon Administrative Rules unless the agency has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. Files may not be removed from the center. The Teacher or PAS should review the file with the parent/guardian and must explain the purpose and results of file documents and evaluations and make concerted efforts to help parents and/or guardians understand them.

If the parent/guardian asks for copies, staff will ask them to provide a written request and their child's birthday and initials. Once the written request is obtained staff will keep it in the child's file and send the request to the PAS and/or Family Services Supervisor within one working day and provide copies to the parent within a reasonable time, but no more than 45 days after receipt of request.

In Oregon, parents who have split custody of their child retain the right to access their child's records, unless the court orders otherwise. This includes records that:

- (1) are directly related to the child;
- (2) are maintained by the program, or by a party acting for the program; and
- (3) include information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format.

Family goals and communication related to family outcomes are family records and are not considered part of the child educational file. The parent/guardian who participated in the development of these records are the only ones who can request or review it to the exception of a subpoena.

Parents/guardians do not have access to separately maintained child abuse report files.

Organizing Files

The following types of documents should be clearly separated and organized so they are easy to locate and kept in locked drawers:

- Eligibility documents (locked)
- Child Abuse reports (locked in a confidential binder separate from the child's record)
- Attendance Sheets/ Meal Count Stored on site for 2 years (locked)
- Facility file (CDC fire inspection report, Washington County Sanitation Inspection Report, etc.)

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- Staff Daily sign in and out sheets and Head Start Visitor Sign in and Out (These are saved at site till end of program year and boxed to be given to Compliance Supervisor at the end of each year to be kept at HMSC for two years.)
- Employee Licensing Files (These must be sent to Compliance Supervisor at the end of the program year.)
- Record of notices sent home from the center.
- Equipment/materials file with inventories and fund balance records (electronically)
- Menus
- Civil Rights Folder (in classroom)

Challenges and Hearings

When subpoenas are received at classroom centers or regional offices, notify the PAS, Program Manager and Family Services Supervisor as it may include a request for child records. The Head Start Director is the official custodian of all records. In the event of a court subpoena for a former employee, the Family Services Supervisor will communicate with the court to inform that this person is no longer working for the agency. If a court appearance is required, the Head Start Director or a designated representative will present the records in court. Former employees are never permitted to present records in court even if they are subpoena. The original records will be retained by the program: copies will be released to the court. An **ROI** is not needed in the case of a court subpoena.

Staff may contact their supervisor or the Family Services Supervisor for coaching and preparation of a court appearance and debrief following a court appearance for support and closure.

Community Action Head Start will inform parents and guardians of their rights regarding records by providing the following information to them:

- The type of records maintained,
- People who have access to their children's records other than parents and guardians,
- Their rights concerning inspection, review, challenge, and hearings.

At the time of inspection and review, parents or guardians may challenge the appropriateness and accuracy of any records directly related to the child and may request amendments to the records. If the child is currently receiving services, the Teacher/Home Visitor, with consultation from the Program Manager or Director, may respond to such a request by noting the request in the records, correcting or deleting records which are misleading, a violation of privacy, or inaccurate. If the child is no longer receiving services and the records have been moved to the central office, the Head Start Director or designated person assigned by the Director will review the records with the parent.

If the request is denied or the program action is not acceptable to the parent, they will be notified of their right to register a complaint under the community complaints procedure in the Policy Council by-laws.

A records request from an attorney is not the same thing as a subpoena. In the event of a records request from an attorney on behalf of a parent, an **ROI** is required.

Under no circumstance may any information about children and families be altered or destroyed while there is a pending subpoena or records request.