
Confidential Communications

The Board recognizes that employees must exercise a delicate balance regarding the treatment of information that was revealed in confidence. An employee may, in his/her professional judgment, treat information they receive as confidential while at other times decide to disclose what was learned to the ESD administration, law enforcement officers (including child protective services), the county health department, other employees or a student's parents. Employees who receive sensitive information should advise the person that shares the information of the limitations and restrictions regarding confidentiality. Students should be encouraged to share confidences with their parents; employees should be encouraged to share confidences with their supervisor or cabinet member. If an employee intends to disclose information that is shared by someone who requests confidentiality, the employee should inform the person who shared the information prior to disclosing it.

The following guidelines are established to assist employees in making appropriate decisions regarding confidential information and/or communications involving students:

- A. Information contained in the student's cumulative record folder is confidential and is only accessible through the custodian of student records. Information secured through the authorization of the record's custodian will remain confidential and will be used only for the purpose for which access was granted.
- B. While certain professionals may have a unique confidential relationship (e.g. attorney-client privileged communications and licensed psychologists), ESD employees other than the ESD attorney and mental health professionals who work under the behavioral health agency license, do not possess a confidentiality privilege.
- C. An employee is expected to reveal information they receive when there is a reasonable likelihood that a crime has or will be committed, or a reasonable likelihood of child abuse or suicidal ideation.
- D. An employee will exercise professional judgment regarding the sharing of a student's information when there is reasonable likelihood that sharing the information will endanger the welfare of the student.
- E. If an ESD administrator or program director determines there is a specific threat to the health or safety of a student, or any other individual, the administrator or manager may disclose otherwise confidential information to appropriate parties, as allowed by the Family Educational Rights and Privacy Act (FERPA) and any other applicable law.
- F. Employees are encouraged to assist students who are dealing with personal matters (e.g. substance abuse, mental illness, sexually-transmitted diseases, pregnancy) by offering suggestions regarding the availability of community services. Employees should encourage students to discuss such matters with their parents. Employees are encouraged to discuss situations like this with their program manager or ESD administration prior to making contact with others.
- G. Program managers will ensure parents are given information in accordance with the Parents Bill of Rights.

Legal References:

RCW 26.44.030(12) Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange of information — Filing dependency petitions — Investigations — Interviews of children — Records — Risk assessment process (Updates take effect December 1, 2013)

Adoption Date: **9-23-24**