TET1 Task 2: Privacy

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Assessment Code: TET1 - Task 2

August 9, 2018

A Written Project Presented to the Faculty of the Teachers College of
Western Governors University
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This paper explores the concept of confidentiality and why it is important both ethically and legally. There is also a brief discussion of an interview of the assistant principal of the school described in the instructional setting section.

Instructional Setting, Learners in the Instructional Setting, and Content Area

For the math classes at the urban high school (grades 9 to 12) students are grouped by ability and not by age/grade. In total, the high school has approximately 800 students. For this task, the focus will be on the students in the college prep Algebra 1 classes (2 sections). College prep level classes are meant to prepare students who will continue onto to college after high school. With that, there comes varying degrees of motivation ranging from students who are very motivated (should have been in Honors/Advanced level) to students who are not motivated at all (should have been placed in the lower general level class).

The learners are the high school college prep level math students. This 27-member audience is from an urban setting and has 13 boys and 14 girls. The 27 students are made up of 17 freshman, 8 sophomores, and 2 juniors. In this small target population there are 14 (52%) students who are white, 9 (33%) students who are Hispanic, and 4 (15%) African American students. Another unique characteristic of the target population is that there are three students (11%) who receive special education services (either through an IEP or a 504 Plan). The third unique characteristic of this group is that there are five students (19%) who are bilingual, one of whom is enrolled in the English as a Second Language classes at the high school.

Ethical Reasons for Maintaining Confidentiality

There are many ethical reasons why maintaining confidentiality of student/family information is crucial. In this section, two of those reasons will be discussed.
The first ethical reason why maintaining confidentiality is the potential for embarrassing disclosures about a student or their family. An example of an embarrassing disclosure would when a student has a bathroom accident, stating to the class or aloud (with enough volume for other students to hear) to a paraprofessional that a student has an incontinence issue. Students are sometimes mean to each other, sometimes sarcastically and sometimes maliciously, and even one embarrassing disclosure could lead to bullying.

The second ethical reason why maintaining confidentiality is the potential of threats to a family. Threats could include bullying of the entire family and/or other siblings by other students, adults, and community members; predators, and potentially issues with immigration. By sharing sensitive information about a family or a student, a perpetrator is opening that family for potential danger. As educators, our role is to protect our students and their families to the best of our ability. Maintaining confidentiality is one way to help ensure the safety of our students and families.

Legal Reasons for Maintaining Confidentiality

There are many legal reasons why maintaining confidentiality of student/family information is crucial. In this section, two of those reasons will be discussed.

The first legal reason is the Family Education Rights and Privacy Act (FERPA) enacted in 1974. This powerful legislation is still in effect today. FERPA is a federal law that protects personally identifiable information confidential and out of the hands of third parties. (Clark, 2001) This Act gives parents or of age students the right to access, inspect and review their education records and can file a grievance if they feel that information contained within is inaccurate or misleading. Records that families have access to are records “created or maintained by the school, its employees, or those acting on behalf of the school.” (Clark, 2001) These records include documents like special education records, discipline records, official letters regarding a student’s status in school, medical/health records collected by the school and reports or evaluations from
external agencies (psychiatrists, juvenile authorities, etc.) (Clark, 2001) Records that are not available for parents are instructional, supervisory, administrative, or school law-enforcement records that are kept in the sole possession of the maker for personal reasons. The general rule is that if information is shared with anyone besides substitute teachers, then it is considered an educational record and a parent can request access. Only the federal government holds the right to enforce FERPA, and if found in violation a school could lose its federal funding. (Darden, 2009) If a third-party requests access to a student’s information, the family must give written consent before the school allows the information to be retrieved by the third-party. There are however important situations in which confidential information can be shared without written consent. This would happen when there are people or situations that need-to-know some confidential information to help the student, such as obtaining financial aid and dealing with law-enforcement agencies. FERPA is a federal law, and as such all citizens of the United States of America need to follow the law. In this case, this Act deals mostly with schools and how they are to maintain confidentiality.

The second legal reason for maintaining confidentiality is the Health Insurance Portability and Accountability Act (HIPAA) enacted in 1996. HIPAA is very similar to FERPA, but instead of educational records, the focus is on health records. Under HIPAA individually identifiable health information is protected. This information includes “the individual’s past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable bases to believe that it can be used to identify the individual.” (Headquarters, n.d.) Again, because this is the law, schools must abide by it.

**Interview**

Assistant Principal Robin Ledversis was interviewed about confidentiality at Torrington High School. She personally maintains confidentiality by being aware of who she is speaking to,
about what she is speaking and who else is within earshot. She also evaluates some teachers and is issued a password protected laptop from the school to complete observation notes on as well as complete the appropriate evaluation forms. She shared that whenever she leaves her office, she makes sure her computer and/or laptop are locked, any file cabinets and desk drawers with confidential information are locked and her office door is also locked. As an assistant principal, Mrs. Ledversis does deal with a lot of discipline issues and the records that go along with that responsibility. She also shared that any secretaries who deal with personal information, have those records locked either in their desk, or in a locked filing cabinet near their work space. School policy dictates that in emails between teachers, secretaries, guidance counselors, and administrators, when referring to a student, we always use their school issued student ID number. Never their name or even their initials. Mrs. Ledversis takes her job very seriously and takes no chances when it comes to confidential information. If she is every unsure of what is confidential, she assumes it is, and makes sure it is secured appropriately.
References

