

General Assignment 2

Hannah Durham

Intro to Special Education

Jeffery Jones

Saturday, March 7, 2015

### **Introduction**

The Wyoming Department of Education (WDE) received a complaint about the violations of a special education law in December of 2011. The issue is whether or not the district violated the duty to keep the student's confidentiality.

### **What Happened**

In December of 2011, a staff member in the District sent an email to all of the other members of the staff; the email was about special education students being ready for college. This email contained the name of a 12<sup>th</sup> grade student with a learning disability. The students were referred to as "IEP students" and all of their names were included in the email. It was sent to over 100 people within the school district, only 70 of which were high school teachers. The rest of the people that the email was sent to included; custodial staff, support staff, food service staff, and also outside contractors. The district realized that they were in fault, and knew that they had breached the students' confidentiality. For corrective measures, the District fired the staff responsible for the email. The student then wanted the staff member to apologize to all of the students who's names were in the email, but the District says that they hadn't taken any steps to notify the students or the parents, saying that they don't have to under the IDEA or FERPA. The district didn't think that notifying them would lessen any damage that was done. The WDE reviewed policies that the District had in place, but couldn't find any policies concerning confidentiality of special education records.

It was concluded that the District did in fact violate the student's rights by not maintaining their confidentiality. They were found at fault because mainly because they failed to get the parent's consent before releasing the students names.

### **Corrective Measures**

The district now has to do at least two hours of inservice training for all of the special education teachers and any staff responsible for any confidential records. The inservice is to focus on their duty to protect students' confidentiality and records. They also have to provide the WDE with documentations pertaining information on who attended the inservice training.

### **Conclusion**

This case was kind of hard to solve the conflict right off the bat. Since it was a breach of confidentiality, it's hard to make it right again. They did fire the staff member who originally sent the email that released the information, but once that information was seen, you can't take that back. The school district did feel bad and fire the staff member, but then again they didn't find it necessary to apologize to all of the other students and parents who's confidentiality was also breached. I think that they should have contacted each family individually and apologized for what had happened. It does make sense, though, that they said that it was that one person that was at fault, and not the whole school district. I learned that confidentiality is a big deal, and really needs to be taken seriously. It really wasn't any body else's business besides the teachers who is in special education. I think that the corrective

measures that were taken after the trial were good. They will now know how imperative it is to keep the students confidentiality. I think that the family of the student should be satisfied that they won the case and that the school has to go through training.