INSTRUCTION

Confidentiality of Student-Disclosed Information

No staff member has an unlimited right to confidentiality when dealing with students. Although staff may be of assistance to students who need an adult with whom to discuss personal concerns, staff are responsible for knowing and conforming to established guidelines of their respective professions, if any, when entering into such discussions. If a staff member would prefer not to engage in such discussion with a student, the staff member should refer the student to the school counselor, school social worker, school psychologist, or school nurse.

Students have a right to know the limitations of confidentiality before they disclose information to a School Division employee in what they may believe is a confidential relationship. It is the ethical responsibility of the school counselors, school social workers, school psychologists, and school nurses to inform student(s) of the limits of confidentiality in a manner that the student can understand before entering into a supportive dialogue/counseling session with the student. This informed consent sets the parameters of confidentiality and is imperative to revisit each time a school counselor, school social worker, school psychologist, or school nurse engages in dialogue with students particularly when sensitive information is apt to be addressed. Except as exempted by law, this regulation defines limitations of confidentiality and the responsibilities of staff with respect to information disclosed by students.

Prince William County Public Schools (PWCS) also recognizes that parents are responsible for their students and retain the right to information about them. Parents may access records which contain information disclosed by minor students. This does not include records held for the sole use of their author. Moreover, a school staff member has an obligation to notify parents or others when certain information is disclosed except as prohibited by law:

I. If the student is involved in illegal activity, parents and/or authorities must be notified; this includes suspected involvement or confirmed involvement in gang activity.

II. If the student is a victim of suspected child abuse or neglect, the Department of Social Services must be notified per Regulation 771-1, “Child Abuse and Child Neglect Reporting Procedures.”

III. If the student or others may be at risk of harm, the parents and/or authorities must be notified. Notification about threats to others will occur consistent with the process outlined in Regulation 777-1, “Threat Assessment Procedures.” The risk of harm requires notification when the student disclosure involves:
A. Threat of self-harm or evidence of self-harm;
B. Suicidal thoughts or actions;
C. Threat to harm others;
D. Pregnancy;
E. Abortion;
F. Actual contraction or transmission of communicable disease;
G. Alcohol or other drug abuse;
H. Other life/health-threatening matters of similar importance or urgency;
I. Homicide; and
J. Substantive threats.

In situations where the student discloses information that indicates he or she is at risk of harm, and the staff member is unable to determine the appropriate response, that staff member should confer with their building administrator, appropriate supervisor, or the Director of the Office of Student Services. When consultation is necessary, the identity of the student need not be revealed unless required for the welfare of the student or others.

Except in the case of a health and safety emergency, confidential information should not be discussed openly in the presence of others or with those who do not have a legitimate need to know. Information disclosed by students, parents, or others in the context of their professional relationship with staff, whether identified as confidential or not, should not be used in casual conversation or in ways that are not consistent with this regulation.

If the staff member determines that there is an articulable and significant threat to the health or safety of a student or other individuals, a staff member may disclose confidential information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Staff who fail to comply with this regulation are subject to disciplinary action, up to and including dismissal.

The Associate Superintendent for Special Education and Student Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.

PRINCE WILLIAM COUNTY PUBLIC SCHOOLS