

INDIVIDUALIZED EDUCATION PROGRAM (IEP) - CONFIDENTIAL STUDENT INPUT TO IEP TEAM MEMBERS

Legal Requirements

As part of the participation of a student with a disability in the development of an IEP, as required by federal law, the student with a disability shall be allowed to provide confidential input to any representative of his/her IEP team.

Legal Reference

EC 56341.5

Local Procedures

Students have a right to consult with any member of the IEP team at any time regarding matters that affect the development of the student's IEP. The case carrier or designated special education administrator should inform students of this right and IEP team members should make themselves available whenever a student makes such a request. Unfortunately, the statute provides no guidance for IEP team members with regard to what they should do with the information provided by the student other than it must be kept confidential.

FAQs

What if the student tells me something that has serious safety implications? Am I still obligated to maintain confidentiality?

No, the California Constitution provides every student with a guarantee of a safe school.

Ultimately, each person will have to decide the appropriate course of action based on the facts of the individual case. One helpful question to ask oneself is, "What would a reasonable person do, given the same circumstances?" or "Am I legally mandated to report this as a case of child abuse?" Information shared that threatens the safety of any student should be properly reported to a school administrator or other appropriate person.

REMINDER

- Every student with a disability has the right to confer confidentially with any member of the IEP team.