

Bandon School District 54

Code: IJA

Adopted: 5/13/91

CONFIDENTIALITY IN COUNSELING**

The main purpose of confidentiality is to offer students a relationship in which they will be able to deal with what concerns them without fear of disclosure. Therefore, it will be the professional responsibility of school counselors to respect fully the right of privacy of those with whom they enter counseling relationships.

Confidentiality must not be abridged by the counselor except:

1. Where there is a clear and present danger to the client or to other persons;
2. To consult with other professionally competent persons when this is in the client's interests;
3. When the client waives this privilege in writing;
4. At the earliest time possible, as determined by the counselor, parents will be informed that their child is in counseling. When students are referred to an outside agency, the laws dealing with that agency's rights will then be enacted.

Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings and other documents, are to be considered professional information for use in counseling and they are not part of the public or official records of the institution in which the counselor is employed. Revelation to others of counseling materials should occur only upon the student's consent.

Counselors must not discuss confidential matters over the telephone. Counselors should insist a request for information be made in writing on official stationery.

The school counselor must be provided with adequate physical facilities that guarantee the confidentiality of the counseling relationship.

When a counselor is in doubt about what information to release in a judicial proceeding, the counselor should request, through the superintendent, a conference with the school attorney to explain the dilemma and receive advice on how to proceed.

END OF POLICY

(continued)

Legal References:

ORS 40.245
ORS 336.185 - 336.215

OAR 581-22-606
OAR 581-22-610
OAR 581-22-702

Family Educational Rights and Privacy Act, sec. 438, 20 U.S.C. sec. 1232g (1988).

Act of August 21, 1974, sec. 439, 20 U.S.C. sec. 1232h (1988).

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 126.003 - 126.095. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in policy GBHA. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 126.030.