

# **Ethics of Student Confidentiality for School Bus Drivers**

*Video Reference Guide*

1) School bus drivers must adhere to many procedures, policies and preparations for the safe operation of the school bus. Bus drivers must master the skills to operate a school bus safely, deal with onboard behavioral issues and make sure the bus is in prime condition for transporting students. There is one more additional skill that drivers must follow - **Understanding and implementing the importance of student confidentiality.**

2) Student confidentiality matters are rarely black and white issues. They are often ambiguous and hard to define. The video gives drivers a thorough understanding of what constitutes student confidentiality and how bus drivers can do their part to maintain it.

3) **We cover many important student confidentiality issues, including:**

- Learning how to protect the educational records of students.
- What information can be shared by the school team and what information is off limits.
- Ethics of student confidentiality and privacy are thoroughly explained.

4) Throughout the video, we reference basic laws on student confidentiality and offer timely suggestions concerning confidentiality ethics. However, **it is important that you follow your district's policies and understand them fully.** Even though confidentiality rules may vary from district to district, the principles are very similar.

## **Part 1: A Basic Understanding of Student Confidentiality**

5) School bus drivers have a close relationship to the students they are transporting. It's critical that this connection remains in place. Bus drivers must also keep in mind that they are part of a team. This means that student confidentiality must be shared with other team members, when it's warranted. Also, please keep in mind, that even though confidentiality rules may vary from

district to district, the principles are very similar.

6) It is also important to understand a couple of terms. One of these is **'education records'**. Education records are any materials which contain information directly related to a student and are maintained by the school district. Which begs the question; who has access to students' education records?

7) **Parents have the right of access to their child's records. Most other people do not**, unless parents or guardians explicitly give permission to access their records. However, there is an exception to this rule. School bus drivers have access to records - when the driver is acting as a school official with a legitimate educational interest. We're sure the next question you're asking yourself is, **WHAT IS a 'legitimate educational interest?'**

8) This is when school officials need to review records to fulfill their professional responsibility. School officials covers any persons employed by the school district as an administrator, supervisor, instructor or support staff member. School bus drivers are support staff members. This automatically confers on them the title of school officials.

9) Confidentiality laws are specific. **Generally, information cannot be disclosed to any one without the written consent of a parent or guardian; or a student who is 18 years or older.** However, it's also important that transporters have, and correctly use, information needed to support safe transportation for all students who ride their school bus.

10) **FERPA** stands for **'The Family Educational Rights and Privacy Act.'** FERPA defines who may access information from student records. It applies to educational agencies and institutions that receive funds from the U.S. department of education.

11) **FERPA is a federal law that recognizes that transporters can have a legitimate educational interest for student information.** This can include

emergency information for the students that are being transported, and it can also include the students medical information. This is essential information for the driver. Also, a history of the students' disciplinary history will be included. These records will allow drivers and transportation officials to make appropriate decisions. It will also allow them to make recommendations for appropriate actions for school bus discipline.

12) It is also important to realize that school bus drivers often have access to student information records. This must be kept confidential. A good example of this is drivers must maintain the confidentiality of homeless student information. It is equally important to know that **all students' medical records must be handled with strict confidentiality.**

13) Education records are not always on paper. They can include computer media, video and audiotape. Many school buses today are equipped with cameras to video tape situations that may occur on the school bus. At a later time, the video can be reviewed for disciplinary actions. Your school district should have specific policies that address how cameras are to be used, and how video is to be viewed and securely saved. Making sure that everyone is on the same page will ensure that policies are maintained and confidentiality will be confined to the appropriate parties.

## **Part 2: The No Share Rule and Its Exceptions**

14) In the video, we illustrate a situation where a student is literally being thrown out the door of his house by his father. The point of showing this is to make drivers realize that there are exceptions to the no share rule. Confidentiality issues are essential, important and must be implemented - but so are issues that protect the safety and the well being of students. **Do not hesitate to bring to the attention of your supervisors, critical information about a parent or any individuals who are threatening the safety of a student.**

15) When it comes to the safety and protection of students, it is your obligation as a school bus driver to report it to your supervisor and adhere to district policies on following through with the report.

16) In the video, a bus driver gets a heads up from his supervisor about behavior issues from a student who is going to be new to their bus. A supervisor may supply the driver with past disciplinary actions to give the bus driver an idea of how a particular student needs to be approached, monitored and/or disciplined. Once the driver receives this information, the driver cannot disclose it to anyone else without the parents prior consent.

17) The no share rule exists to protect students. At the same time, there will be circumstances where this information must be shared with other individuals. Therefore, there are exceptions to the 'no share rule'.

18) Bus drivers have an obligation to report abusive behavior. If abuse, bullying or harassment is suspected, it means that this information must be shared in a timely manner with the appropriate parties. Remember, if it concerns a student's safety, an exemption must be made. **Ignoring a problem is not an option.**

19) **When the safety of a student is at risk, the consent of parents or guardians is NOT required.** This is because the bus driver has a 'legitimate educational interest' in keeping the student from being harmed.

20) Another exception to the no share rule is the release of student information during an emergency situation. This information can be released to the appropriate parties, if the information is necessary to protect a student's health or safety.

21) The sharing of student information is a district responsibility. School administrators must recognize that transporters may find this information useful and as previously mentioned, there should be a district wide protocol for sharing.

22) A school bus driver should know how they can receive information within their district, as well as the limitations regarding the use of the NO-share rule. If the driver has ANY misunderstanding of their district's policies, don't guess, take the time to talk to your district administrator. **In general, you are only allowed to share each student's information, when it's necessary for you to do your job and to protect the student's safety.**

23) Sharing information with others has its limits. Make sure you know the policies of your district and make sure to follow these procedures whenever it's called for. And above all, do not discuss these issues outside of the guidelines that protects the student's confidentiality.

### **Part 3: Ethics of Student Privacy and Confidentiality**

24) Student confidentiality has been entrusted to school officials and support members. While there are legal guidelines that call for the protection of confidentiality, there is also the ethical obligation to ensure a student's trust is not violated.

25) Have you ever talked to a student who is being bullied or harassed? Have you wondered why they confide in you? The answer is simple. The student trusts that you are not going to pass the information along to anyone else, except those school officials who have a need to know. This is where ethics and confidentiality merge. **Every bus driver needs to remember that it is their responsibility to protect a bullied or harassed student.**

26) **When a bus driver needs to pass along confidential information to a supervisor, they should always meet in private.** This way, if there are others around, you can avoid them overhearing your conversation. It is important to avoid allowing anyone, be it a student, or another driver or parent, to hear your conversation. It's also a good idea to write down an accurate report of the conversation.

27) One MAJOR pitfall concerning student confidentiality is discussing student information in open or common areas. We illustrated an example of this at the beginning of the video. By doing this, you can inadvertently disclose student information, or worse, personal details students have shared with you.

**Remember, once information has been made public, you cannot get it back.**

28) An overheard conversation is a bad mistake, but an open conversation by a bus driver that is overheard by parents, friends or other students, is a different matter entirely. When this happens, school officials are likely to hold the school bus driver responsible. **This could lead to termination.** Remember, a school district is legally responsible for the actions of their drivers. Protect your job, protect the school district and most importantly, protect your students.

29) A good rule to use when deciding whether to share student information is to ask yourself a simple but important question. **“Why am I sharing this information?”** If you’re not sure, err on the side of caution and don’t discuss information that could come back to haunt you. And, remember - you are the guardian for the students you transport - don’t do anything that could harm them.

30) Here’s another important consideration. Social media has become the coin of the realm these days. Sharing information on the behavior of a student or any other kind of negative thoughts can be very problematic. Sharing inappropriate information can lead directly back to you. The bottom line is don’t share negative information about students on social media.

## **CLOSING**

One final thought. We live in a gotcha society. Media, the internet, social media all contribute to lessening our standards of behavior. Adults have the option of knowing that much of the gossip that permeates our culture, can be taken or discarded at will. Kids, teens or younger students haven’t learned this yet.. They

are prone to take negative information personally and the results can be disastrous. It's the job of school employees, including bus drivers, to protect students from this kind of hurtful information. Keep that in mind and remember that you can help protect students by being very careful about how you handle student confidentiality.



## TEST QUESTIONS

1) Student confidentiality matters are a black and white issue and are exact.

**TRUE or FALSE**

2) You should not tell your supervisor about a bullied student because the student may be mad at you for sharing such information.

**TRUE or FALSE**

3) Who has rights to your students' medical records?

**a) Parents**

**b) Teachers**

**c) Bus Drivers**

4) It is okay to let others know that a student who rides their bus is homeless.

**TRUE or FALSE**

5) Education records can include computer media, video and audiotape.

**TRUE or FALSE**

6) There are exceptions to the 'no share rule'.

**TRUE or FALSE**

7) It is not a bus driver's obligation to report abusive behavior.

**TRUE or FALSE**

8) One major pitfall is discussing student information in open or common areas.

**TRUE or FALSE**

9) It is okay to vent about students on social media to let off some steam.

**TRUE or FALSE**

10) Violating student confidentiality issues can lead to termination.

**TRUE or FALSE**

## **ANSWER KEY**

**1) FALSE**

**2) FALSE**

**3) a**

**4) FALSE**

**5) TRUE**

**6) TRUE**

**7) FALSE**

**8) TRUE**

**9) FALSE**

**10) TRUE**