

Facilitator Notes for Principle 5: Confidentiality

The facilitator notes include discussion points for scenarios that raise awareness and increase understanding of *Principle 5* of the *Licensure Code of Professional Conduct*. Please reference the [Facilitator Instructions](#) to help you prepare professional development using these scenarios.

Scenario 1

A community organization has decided to create a program that sends food home on the weekends for in-need students. The director at the program asks her best friend, the school counselor, to provide a list of students that receive free or reduced lunches so that they can make sure the bags go home with the kids who need them most. Since it's easy for her to access the information, the counselor prints off the list and gives it to her friend, but tells her she can't share it with anyone.

Area of Concern Under Principle 5	<ul style="list-style-type: none"> In this scenario, the counselor's actions cause concerns in regard to Principle 5a for violating student privacy by sharing confidential information. This counselor also causes concern under Principle 5b by using student and family information in a non-professional way.
Primary Users	<ul style="list-style-type: none"> All licensed educators
Key Considerations	<ul style="list-style-type: none"> While the counselor's intents are positive, her actions violate student confidentiality under the Family Educational Rights and Privacy Act (FERPA) and state law. How would the student and their family feel if they knew the school was sharing sensitive information with others without their knowledge?
Strategies to Mitigate Risk	<ul style="list-style-type: none"> Consult your local board policy and/or with an attorney. Explore if directory information may be available through a public records request.
Related Code of Conduct Principles	<ul style="list-style-type: none"> N/A
Resources	<ul style="list-style-type: none"> FERPA General Guidance for Students Ohio Revised Code <ul style="list-style-type: none"> ORC 3319.321 Confidentiality

Scenario 2

A classroom teacher takes pictures of her students' learning throughout the week and posts them to a website that is specifically for parents of students in his class.

Area of Concern Under Principle 5	<ul style="list-style-type: none"> • In this scenario, the teacher is engaging in unbecoming conduct in relation to Principle 5a. • If the teacher did not obtain parental consent, then there could be concerns under Principle 5b if a parent feels the posts are non-professional.
Primary Users	<ul style="list-style-type: none"> • All licensed educators
Key Considerations	<ul style="list-style-type: none"> • The teacher should obtain the proper releases to post pictures, in accordance to FERPA. • Is the website or application an approved method for communicating with families per local board policy? • Is the website secure and password protected or can the public access the website? Even though the teacher is posting the photos in a platform that is intended for parents and families, the platform may not be secure. • What if the pictures were posted on personal social media accounts like Facebook or Twitter?
Strategies to Mitigate Risk	<ul style="list-style-type: none"> • Confirm that your school has obtained parental consent to take and post pictures of all students in your class(es). • Do not post photos that include students whose parents have not given consent. • Review your local board policy.
Related Code of Conduct Principles	<ul style="list-style-type: none"> • N/A
Resources	<ul style="list-style-type: none"> • FERPA General Guidance for Students

Scenario 3

While monitoring the state assessment, a testing coordinator reads several test questions. During lunch, the testing coordinator shares these questions with other educators. Overhearing this, another teacher uses this information to plan a review session of these content standards with her own students since they haven't taken the test yet.

Area of Concern Under Principle 5	<ul style="list-style-type: none"> The testing coordinator is not acting in accordance with Principle 5c by not following procedures and laws related to the confidentiality of standardized tests and resources.
Primary Users	<ul style="list-style-type: none"> All licensed educators
Key Considerations	<ul style="list-style-type: none"> What are the appropriate testing procedures for the assessment? The testing coordinator should make sure they are carefully following the established testing procedures. Educators should never share assessment questions. Educators should never talk about or leave assessment questions in spaces where other educators can access that information and use it for testing preparation. Under ORC 3319.151, the coordinator would face a mandatory one-year suspension.
Strategies to Mitigate Risk	<ul style="list-style-type: none"> Don't discuss the content of state assessments. Follow all testing procedures.
Related Code of Conduct Principles	<ul style="list-style-type: none"> N/A
Resources	<ul style="list-style-type: none"> Tip Sheet #6—Testing and Academic Integrity Resources for Ohio's State Tests Ohio Revised Code <ul style="list-style-type: none"> ORC 3319.151 Assisting student in cheating on assessments