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# Unit 9: The Importance of Documentation

## Overview

The focus in Unit 9 explains the importance of collecting and maintaining information.



## Unit 9 Framework

<p style="text-align: center;"><b>Core Content Outline</b></p> <p>9.1 Unit 9 introduction 9.2 Reporting Offenses 9.3 Medical Information</p>	<p style="text-align: center;"><b>Objectives</b></p> <p>By the conclusion of this unit, drivers will be able to:</p> <ol style="list-style-type: none"><li>1. Describe the responsibilities associated with maintaining and collecting student information.</li><li>2. Describe the appropriate procedure for protecting medical information.</li><li>3. Describe the risks and benefits of maintaining and collecting information.</li></ol>
<p style="text-align: center;"><b>Suggested Time</b></p> <p style="text-align: center;">30 minutes</p>	<p style="text-align: center;"><b>Preparation</b></p> <ol style="list-style-type: none"><li>1. Projector, screen, and PowerPoint in place.</li></ol>

## **BEST PRACTICE BACKGROUND**

### **What is the importance of maintaining and collecting information?**

With all the responsibilities that school bus drivers and bus assistants may have, adequate documentation and record keeping will always be a critical requirement in the supporting of those responsibilities. Whether the issues at hand are safety related, student related, equipment related or operations related, documentation of those events can help protect all parties.

### **Pupil Transportation Related Student Records**

- IEPs
- Student Medical Information
- Emergency Contact Information
- Student Referral and Conduct Reports
- School Bus Passes
- Bus Riders List
- Student Pickup-Drop-off information
- Authorized Guardian List

## **Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy of student education (scholastic) records. Education records are defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. They include, but are not limited to:

Records on a student receiving services under Part B of IDEA are “education records” subject to FERPA.

Medical or health records are “education records” subject to FERPA, if they are maintained by an educational agency or institution.

Education records are “any records containing personally identifiable information about a student that is maintained by the school, its staff members or contracting employees.”

Personally identifiable means information that has:

- The student's name, parent's/guardian's name, or the name of another family member;
- Student's address;

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- A personal identifier, such as the student's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

The Family Educational Rights and Privacy Act (FERPA) prohibits a school (and its employees) from disclosing personally identifiable information from students' education records without the consent of a parent or eligible student, unless an emergency situation arises that would comply with FERPA's general consent rule.

### **Student Referrals and Conduct Reports**

Drivers or assistants may be required to submit various reports when an incident or crime occurs on the school bus. Those reports often qualify as education records. Drivers and assistants should take the same precautions in maintaining, submitting

and discarding those records as they would with other education records.

### **State Law and Offense Reporting**

The *Code of Virginia* (§ 22.1-279.3:1) requires school divisions statewide to submit data to the VDOE on incidents of discipline, crime, and violence. These incidents include those that occur on school property, on a school bus, or at a school-sponsored activity.

Two federal laws also require reporting of certain offenses.

1. The *Gun-Free Schools Act of 1994*
2. The *Individuals with Disabilities Education Act*, known as *IDEA*, contains requirements for reporting disciplinary actions involving students with disabilities.

*Code of Virginia § 22.1-279.3:1. Reports of certain acts to school authorities.*

*A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving*

*(i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school*

*property, or at a school-sponsored activity;*

*(ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § [18.2-60.3](#), on a school bus, on school property, or at a school-sponsored activity;*

*(iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;*

*(iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;*

*(v) the illegal carrying of a firearm, as defined in § [22.1-277.07](#), onto school property;*

*(vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § [18.2-85](#), or explosive or incendiary devices, as defined in § [18.2-433.1](#), or chemical bombs, as described in § [18.2-87.1](#), on a school bus, on school property, or at a school-*

*sponsored activity; (vii) any threats or false threats to bomb, as described in § [18.2-83](#), made against school personnel or involving school property or school buses; or*

*(viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge [therefore].*

### **Medical Information and Medical Reports**

Medical or health records are “education records” subject to FERPA, if they are maintained by an educational agency or institution. At the discretion of the school division or legal guardian school bus drivers and assistants may be provided certain medical information about a student. The transportation staff has to implement confidentiality when dealing with medical records or the medical information of students.

Parents have the right to be fully notified and must consent to the disclosure of their child’s record(s) to anyone other than employees of the school district for educational purposes, except for referrals to or actions by law enforcement and

judicial authorities (Virginia Bar Association, 2002).

Some ways to implement confidentiality are:

- Protect all written material (e.g., IEP, student's medical records, and specific diagnoses).
- Conduct discussions with other professionals, students, and parents regarding students in a private setting.
- Remember to demonstrate professionalism when discussing anything related to students and colleagues. This includes respecting the dignity of the students by not making comments that can be overheard by others.
- Share with parents information only about their child.
- Keep confidential anything that the parents share with you.
- Be mindful of sensitive content that you include in e-mails, faxes, and other written correspondence. (These forms of communication are not always secure.)

Consult with your administrator to determine local policy regarding specific confidentiality issues.

At times the bus driver or the bus assistant may be the provider of medical information through reporting. Within the scope of general responsibilities, those staff members may have to document observations that are medically related. These could include, but are not limited to, the documentation on the student's: convulsions, seizures, blackouts or faints, the secretion of bodily fluids, allergic reactions, internal consumptions of foods, liquids, medicine or other items, etc.

It is important that when documenting possible health related issues that the staff attempts to gather as much information about the student's incident as possible. Staff should document what they have observed. Documentation helps find patterns which in turn helps the organization to provide a better and safer service. Documentation may also provide additional information for a diagnosis or may help provide a better understanding of behavior.

### **Disposal of Documents**

Transportation operations are constantly updating documents and information. Those updates help the organization to remain efficient and productive. Those changes and updates often involve new or updated documentation. This leaves a responsibility of properly disposing the old documentation. Some documents contain sensitive information and may need to be returned to its provider or disposed of in accordance with policy or law.

The FERPA does not govern retention or disposition of education records. Virginia public schools, K-12, must comply with the Library of Virginia's Records Retention and Disposition Schedule, General Schedule No. 21.

Drivers and assistants who have questions about the proper disposal of documentation should contact their supervisor or manager.

## References

Family Educational Rights and Privacy Act (FERPA) and the Disclosure of Student Information Related to Emergencies and Disasters. June 2010

<http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferpa-disaster-guidance.pdf>

Stepping Stones to Success II Collaboration: Working Together for All Students, Collaboration Writing Team and the CTE Resource Center, 2007

[http://www.doe.virginia.gov/teaching/career\\_resources/stepping\\_stones2.pdf](http://www.doe.virginia.gov/teaching/career_resources/stepping_stones2.pdf)

Virginia Department of Education Annual Report Discipline, Crime, and Violence School Year 2009-2010

[http://www.doe.virginia.gov/statistics\\_reports/school\\_climate/discipline\\_crime\\_violence/09\\_annual\\_report.pdf](http://www.doe.virginia.gov/statistics_reports/school_climate/discipline_crime_violence/09_annual_report.pdf)

Management of Student Education Records Division of Special Education and Student Services Virginia Department of Education, accessed March 2012

[http://www.doe.virginia.gov/support/technology/info\\_](http://www.doe.virginia.gov/support/technology/info_)

[briefs/mgmt\\_stu\\_ed\\_records.pdf](#)

Legal Issues in School, Nursing School Health, Virginia Department of Education

[http://www.doe.virginia.gov/support/health\\_medical/nurse\\_orientation/legal\\_issues.pdf](http://www.doe.virginia.gov/support/health_medical/nurse_orientation/legal_issues.pdf)