

Navigating Information Sharing (NIS) Toolkit

Desk Aid Companion

Purpose of NIS

To provide educators and youth-serving agencies with guidance about laws that allow them to share information about youth involved in multiple systems.

Who Is NIS for?

Specifically, Navigating Information Sharing (NIS) is for service providers of youth ages 18 and younger who are involved in multiple systems (e.g., education, mental health, law enforcement, juvenile justice, substance abuse, and behavioral systems). NIS is for:

- Teachers and school administrators
- Mental health professionals in the school and community
- Social workers
- Health care providers
- Juvenile justice professionals
- Law enforcement professionals
- Child welfare professionals
- Families

The National Center for Mental Health Promotion and Youth Violence Prevention created the NIS Toolkit and website (see link at right) to address the issues that school and community partners face regarding information sharing. Anyone with Internet access can use the Toolkit at, which includes essential information about:

- Implementing information-sharing policies and protocols
- The laws that pertain to information sharing
- Scenarios that show how to handle common cases



<http://sshs.promoteprevent.org/nis>

How Can NIS Benefit Providers and Stakeholders?

Understanding and implementing the laws that allow service providers to share information will lessen stakeholders' confusion about their roles. NIS will also help providers determine the services a young person is currently accessing from two or more systems –and what services the child may still need.

Applicable Laws

FERPA - the Family Educational Rights and Privacy Act

(20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education, which includes most schools.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the students when he or she reaches the age of 18 or pursues education beyond high school. (These are referred to as "eligible" students.)

Generally, schools must have written permission from the parent or eligible student before releasing any information from a student's education record. FERPA does allow schools to disclose information, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with a legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with a student's financial aid;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, in a juvenile justice system, according to State law.

Schools may disclose, without consent, "directory" information, such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must inform parents and eligible students about their intention to release such information and allow parents and eligible students a reasonable amount of time to request that the school not do so. Schools must notify parents and eligible students annually about their rights under FERPA. The actual means of notification (e.g., letter, notice in a PTA bulletin, student handbook, newspaper article) is left to the discretion of the school.

See www.ed.gov for more information on FERPA.

Information Sharing Tip: Get Consent

- *Information contained in a child's education record may not be disclosed to a third party outside the school system without the prior consent of the student's parents (or the student if he or she is 18 years or older) [Sample consent form](#)*
 - *When giving the consent form to a parent, explain that the goal of information sharing is to better serve the student and family. The consent form is the key to being able to share the information; the parent is the gatekeeper.*
 - *Under FERPA, written authorization to release education records must:*
 - *Specify the records to be disclosed;*
 - *State the purpose of the disclosure;*
 - *Identify the party or class of parties to whom the records will be disclosed; and*
 - *Be signed and dated by the parent (or student, if applicable).*
-

HIPAA – the Health Insurance Portability and Accountability Act

(Pub. L. 104-191; 45 CFR § 160.203) is primarily intended to protect the confidentiality and security of health information. It establishes several different rules for handling health data. For the purpose of this guide, the most important is the privacy rule, which is designed to ensure that health care information is protected when privacy is most critical and disclosed appropriately when sharing is most important.

Info Sharing Tip: Share the Minimum Necessary

- *HIPAA dictates that only the minimum amount of health information necessary to accomplish the intended purpose may be shared.*
 - *HIPAA imposes rules on certain entities that handle **protected health information (PHI)**, which is individually identifiable information (e.g., social security number, phone number, date of birth, photos) that is maintained or transmitted by covered entities in any form or medium, such as an individual's past, present, or future physical or mental health condition; information about the provision of health care to an individual; or past, present, or future payment for health care.*
-

Other Federal Laws that May Be Relevant

See the [Learn the Laws section](#) of the NIS website for information on:

- Federal drug and alcohol laws and regulations
 - Individuals with Disabilities Education Improvement Act (IDEIA)
 - Protection of Pupil Rights Amendment (PPRA)
 - Child Abuse Prevention and Treatment Act (CAPTA)
 - Juvenile Justice and Delinquency Prevention Act (JJDP)
 - Other [state laws](#) that may be relevant
-

Steps to Implement Information-Sharing Policies and Protocols

1. Identify and Convene Stakeholders

Building a broad partnership of decision-makers responsible for information sharing is key. Together, they need to develop a plan and the tools that will be needed for information sharing. Some tools can enable communities to share information in a carefully planned, legal manner that promotes better outcomes for children. One such tool is an interagency agreement called a memorandum of understanding, or MOU, that establishes clear rules and procedures for information sharing. [Sample NIS MOUs](#) are available.

2. Identify Information-Sharing Situations

The partnership needs to identify common situations that may require information sharing. You can start by reviewing the scenarios described in the [NIS Scenarios section](#). Add others that group members have encountered in their work.

3. Consider the Legal Implications

Every community has access to sources of legal information. Judges are often helpful in the process of determining the legal implications of information sharing, as are school attorneys, bar associations, district attorney's offices, and law professors.

4. Review Model Policies and Procedures

Some school-community groups have developed policies for sharing information across systems in a manner that is legal and respects the privacy rights of students and their families. Please see the ["model policies" section](#) in the Toolkit for a guide to developing an information-sharing policy.

5. Establish Policies and Procedures to Share Information

Some school-community groups have established procedures to guide the process of information sharing. [Sample policies and procedures](#) are available.

Summary

The purpose of the NIS Toolkit is to provide educators and youth-serving agencies with guidance about laws that allow them to share information about youth involved in multiple systems. The central thrust is that school-community partners CAN work together to develop and implement legal ways to share information to help young people in need.