[Charter School Name] Mental Health Records Policy

**Purpose:**

The purpose of this policy is to establish guidelines for the development, retention, protection, and access of mental health records at [Charter School Name]. This policy aims to ensure compliance with relevant state and federal laws, safeguard student privacy, and promote the proper handling of sensitive information related to mental health.

**Scope:**

This policy applies to all staff members, contractors, and volunteers at [Charter School Name] who handle or have access to mental health records of students enrolled in the school.

**Confidentiality:**

- Mental health records, including but not limited to, assessments, evaluations, treatment plans, progress notes, visit data, and communications, shall be treated with the utmost confidentiality.

- Mandatory reporting records, including but not limited to notations about the report, case numbers, DHS investigations, DHS communication, caseworker information, nursing assessments related to physical injuries documented for mandatory reporting, shall be treated with the utmost confidentiality.

- Access to mental health records shall be restricted to licensed clinicians, their identified authorized agent, the identified student and their authorized agent, or in a crisis, persons with a legitimate educational interest.

**Retention Period:**

- Mental health records shall be retained for a period of [either 5 years after the student has ceased special education services OR 7 years after the student has ceased mental health services OR 5 or 7 years after the student has matriculated from the school, whichever comes later, in accordance with current state and federal regulations.

**Storage and Security:**

- All mental health records, whether in electronic or physical format, shall be stored securely to prevent unauthorized access, tampering, or loss.

- Electronic records shall be stored in password-protected systems with access limited to licensed clinicians and their authorized agents only.

- Physical records shall be stored in locked cabinets or rooms accessible only to licensed clinicians and their authorized agents. It is preferable that the locked cabinets are fireproof whenever possible.

**Access and Disclosure:**

-In a crisis, where immediate concern of safety to self or others has been determined, access to mental health records shall be granted only to individuals with a legitimate educational interest.

- Requests for access to mental health records shall be documented through a signed informed consent form, and the identity of the requester shall be verified before granting access.

- Disclosure of mental health records to third parties shall comply with applicable privacy laws, such as FERPA and HIPAA, and require written consent from the student (if of legal age) and/or parent/legal guardian.

**Training and Education:**

- All staff members who handle mental health records shall receive training on relevant privacy laws, confidentiality requirements, and proper record-keeping procedures.

- Training sessions shall be conducted regularly to ensure ongoing compliance and awareness of best practices.

**Disposal Procedures:**

- Mental health records shall be securely disposed of in accordance with state and federal regulations and school policies. This includes the method of disposal, and the staff member(s) assigned to dispose of these records.

- Physical records shall be shredded or destroyed using secure methods to prevent unauthorized access.

- Electronic records shall be securely deleted or rendered inaccessible to ensure data protection.

-A student and/or their authorized agent may choose to have their mental health records destroyed and/or transferred with informed consent, and the informed consent remaining in the file. Suicide assessments, threat assessments and mandatory reporting documentation may not be destroyed until the mandatory retention period has expired.

-Personal notes that are never meant to be seen by another person, like memory aids, are not discoverable, and may be destroyed at any time.

**Implementation:**

This policy shall be disseminated to all staff members, contractors, and volunteers at [Charter School Name]. Compliance with this policy is mandatory, and any violations shall be subject to disciplinary action in accordance with school policies and applicable laws.

**Review and Revision:**

This policy shall be reviewed periodically to ensure its effectiveness and compliance with changes in state and federal laws. Any revisions to the policy shall be approved by [insert relevant authority or committee] and communicated to all stakeholders.