

Confidentiality in Counseling

The main purpose of confidentiality is to offer students an environment in which they will be able to deal with what concerns them without fear of disclosure. Therefore, it will be the professional responsibility of school counselors to respect fully the right of privacy of those with whom they enter counseling relationships. Parents of students have the primary responsibility to determine whether their child is in need of personal counseling; therefore, they will be informed of any personal counseling being given to the student. In particular, parents will be informed by the school counselor that their child is in ongoing group or individual school counseling or prior to referring a student to an outside counselor or agency. This right of parents shall not be abridged except in those cases where there is significant concern about possible harm to the child as a result of parent notification.

Confidentiality must not be abridged by the counselor except:

1. Where there is a clear and present danger to the student or to other persons.
2. To consult with other professionally competent persons when this is in the student's interests.
3. When the student waives this privilege in writing.

Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings and other documents, are to be considered professional information for use in counseling and they are not part of the public or official records of the institution in which the counselor is employed. Revelation to others of counseling materials should occur only upon the student's consent.

Counselors are not to discuss confidential matters over the telephone unless a request for information is made in writing on official stationery.

The school counselor is to be provided with adequate physical facilities that guarantee the confidentiality of the counseling relationship.

When a counselor is in doubt about what information to release in a judicial proceeding, the counselor should request, through the superintendent, a conference with the district's attorney to explain the dilemma and receive advice on how to proceed.

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[OAR 581-022-1510](#)

[OAR 581-022-1660](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).