

## Confidentiality - 4.1 Policies and Procedures to Examine Records

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### State Performance Plan (SPP):

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(See Overview in the Introduction for more information on the SPP.)

### Intent:

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To ensure that school districts (LEAs) have in place policies and procedures that protect the confidentiality of personal information at collection, storage, disclosure and destruction stages.

## REQUIREMENT

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### **3301-51-04**

#### **Confidentiality**

(A) Each school district, county board of mental retardation and developmental disabilities (county board of MR/ DD), and other educational agency shall adopt and implement written policies and procedures, approved by the Ohio Department of Education, Office for Exceptional Children, that afford parents the opportunity to examine records in accordance with the procedures of 34 C.F.R. 300.610 to 300.628(October 13, 2006) and ensure protection of the confidentiality of any personally identifiable information in regard to the collection, use, storage disclosure, retention, and destruction of that information.

#### **(B) Definitions**

The following terms are defined as they are used in this rule:

- (1) "**Destruction**" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- (2) "**Education records**" means the type of records covered under the definition of education records in 34 C.F.R. Part 99 (July 1, 2005) (the regulations implementing the Family Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA)).
- (3) "**Participating agency**" means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Individuals with Disabilities Education Act, as amended and specified in the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA).

## GUIDANCE

### Confidentiality

Each school district, county board of mental retardation and developmental disabilities (MR/ DDs) and other educational agencies must adopt and implement policies and procedures to ensure that children's education records containing personally- identifiable information are collected, used and stored in a manner that protects the confidentiality of the information. All such information is retained and destroyed as dictated by Administrative Code Rule 3301-51-04. Each entity must give notice to fully inform parents regarding what material is maintained, used and destroyed. (See [Confidentiality - 4.15 Destruction of Records](#)) The policies and procedures must give parents the opportunity to examine their children's education records.

**LEGAL CITATIONS:**

**Federal Statutes:**

20.U.S.C. 1413(a) (I)

**Federal Regulations:**

34 CFR §300.610-628

34 C.F.R. Part 99

**Ohio Revised Code:**

3323.08(A)

**Operating Standards:**

3301-51-04(A) and (B)

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**FORMS** (\* = required)