

Confidentiality - 4.11 Amendment of Records at Parents' Request

State Performance Plan (SPP):

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

Intent:

To ensure that school districts (LEAs) have a process in place for parental requests to amend the education records of their child with a disability.

REQUIREMENT

3301-51-04

(1) Amendment of records at parent's request

(1) A parent who believes that information in the education records collected, maintained, or used under this rule is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

(2) The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under this rule.

GUIDANCE

Amendment of records at parents' request

Parents are aware through receipt of the Procedural Safeguards Notice, *Whose IDEA Is This?*, that they may request the agency to amend information in their child's education records if they feel that some information is misleading or inaccurate. The parents, either orally or in writing, describe the changes they are requesting. The agency representative reviews the request and the records to determine whether the amendment should be made. The district should notify the parents of its decision and the reasons for the decision as soon as possible after the request is received. If the decision is not to amend, the educational agency informs the parents that they have a right to a hearing to resolve the issue, and the LEA should either explain the hearing process verbally or provide written information about it. In addition, the district should provide the parents with the name and number of a contact person to request a hearing. (See [Confidentiality - 4.12 Hearing and Hearing Results](#)) Note: This hearing is different than a due process hearing and is conducted by the LEA and not ODE.

LEGAL CITATIONS:

Federal Statutes:

20.U.S.C. 1412(a) (8) | 1417(c)

Federal Regulations:

34 CFR §300.618

Ohio Revised Code:

3323.08(A)

Operating Standards:

3301-51-04(l)

FORMS (* = required)