

Confidentiality - 4.13 Consent

State Performance Plan (SPP):

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

Intent:

To provide guidance to school districts (LEAs) on what is required when releasing the education and disciplinary records of a child with a disability.

REQUIREMENT

3301-51-04

(M) Consent

(1) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with this rule, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 C.F.R. Part 99 (July 1, 2005).

The parent's consent must be in writing, signed, and dated and must:

- (a) Specify the records to be disclosed;
- (b) State the purpose of the disclosure; and
- (c) Identify the party or class of parties to whom the disclosure may be made.

(2) Except as provided in paragraphs (M) (2) (a) and (M) (2) (b) of this rule, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this rule and 34 C.F.R. Part 300 (October 13, 2006).

(a) Parental consent, or the consent of an eligible child who has reached the age of majority under Ohio law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with rule 3301-51-07 of the Administrative Code;

(b) If a child is enrolled, or is going to enroll in a nonpublic school that is not located in the school district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the nonpublic school is located and officials in the school district of the parent's residence.

GUIDANCE

Consent

With a few exceptions, parental (or adult child) consent **is** required before the educational agency discloses personal information to anyone, including:

- Parties other than participating agencies;
- Private schools in which a child is placed by parents unless the disclosure is authorized under FERPA;
- The school district in which the private school is located when the district is other than the one in which the parents reside; or
- Officials of participating agencies providing or paying for transition services.

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

A school district may transfer a child's education records to another school district, MR/ DD or other educational agency within the state of Ohio without parental consent. Parental consent must be obtained before transferring a child's records to an educational agency in another state.

LEGAL CITATIONS:

Federal Statutes:

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

20.U.S.C. 1232g(b) (I)

20.U.S.C. 1232g - Family Educational Rights Privacy Act (FERPA)

Federal Regulations:

34 CFR §300.622

34 CFR §99.30 and 99.31

Ohio Revised Code):

3319.321(B), 3323.08(A)

Operating Standards:

3301-51-04(M)

3301-51-07

FORMS (* = required)