

Confidentiality - 4.15 Destruction of Information

State Performance Plan (SPP):

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

Intent:

To provide guidance to school districts (LEAs) on the appropriate manner in which personally identifiable information shall be destroyed or maintained.

REQUIREMENT

3301-51-04

(O) Destruction of information

(1) The public agency must inform parents when personally identifiable information collected, maintained, or used under this rule is no longer needed to provide educational services to the child.

(2) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitation.

GUIDANCE

Destruction of information

The public agency must inform parents when personally identifiable information that has been collected, maintained or used under this rule is no longer needed to provide educational services to the child. When notified by a public agency that the personally identifiable information collected, maintained, or used under this rule is no longer needed to provide educational services to their child, parents may request that the personally identifiable information be destroyed, and the agency must comply. However, the agency must maintain a permanent record of the child's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed (if applicable).

Records that include personally identifiable information about a child (e.g., the IEP, the evaluation team report (ETR), results of standardized tests) should be maintained for several years after graduation. If a child moves before graduation, the agency should keep those records until the child may have graduated.

A year before a district plans to destroy records, the district should notify the parents and the child that the child's records (e.g., the IEP, the evaluation team report (ETR), results of standardized tests) are about to be destroyed, except for those kept as a permanent record (see list in preceding requirements). Some parents or children may want the last IEP and ETR, as a record and proof of disability, for Social Security purposes. At times, parents or children request the IEP and the ETR several years after the children have graduated. For that reason, ODE/ OEC suggests that a child's last IEP and ETR be kept indefinitely. Destruction of records follows the administrative guidelines of the public agency.

LEGAL CITATIONS:

Federal Statutes:

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

Federal Regulations:

34 CFR §300.624

Ohio Revised Code:

3323.08(A)

3301-51-04(O)

FORMS (* = required)