

Confidentiality - 4.2 Notice to Parents

State Performance Plan (SPP):

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

Intent:

To make sure that school districts, county boards of DD and other educational agencies give notice that is adequate to fully inform parents:

1. Of the information pertaining to their children that is collected, used, maintained or destroyed by the school district under the provisions of IDEA; and
2. Of their rights to access their children's education records.

Timelines:

None are specified.

REQUIREMENT

3301-51-04

(C) Notice to parents

(1) The school district, county board of MR/ DD, and other educational agency must give notice that is adequate to fully inform parents about the requirements to ensure that the school district, county board of MR/ DD, and other educational agency comply with this rule related to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the IDEA. The notice shall include:

- (a) A description of the extent that the notice is given in the native languages of the various population groups in the school district, county, or other area served;
- (b) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- (c) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
- (d) A description of all the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations in 34 C.F.R. Part 99 (July 1, 2005).

(2) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the school district, county board of MR/ DD, or other area served of the activity.

GUIDANCE

Notice to parents

The school district, county board of DD and other educational agencies must give notice that is adequate to fully inform parents and adult students of their rights regarding education records. Notice must be given as directed in (2) of the Requirement preceding.

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Additionally, notice could be given in a handbook or annual report and posted on the district's Web site. The notice must describe the extent to which the notice is given in the native languages of the various population groups in the school district, county or other area served and must include a summary of the policies and procedures of the district, board or agency regarding the storage, disclosure, retention and destruction of personal information. The notice must include a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered) and the uses to be made of the information. A description of the rights of parents and children related to the information, including rights under FERPA, must be included in the notice. The name and phone number of a contact person also should be included, and a statement that this information may be obtained in an alternate format (e.g., braille, large print or audiotape).

Before the school district conducts child find activities, (See Child Find - 3.2 Responsibilities in Locating Children with Disabilities.) the district must publish or announce the notice using media which must include local newspapers with circulations broad enough to notify parents in the area served and may include radio and television.

LEGAL CITATIONS:

Federal Statutes:

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

20.U.S.C. 1232g(e)

Federal Regulations:

34 CFR §300.612

34 CFR §99.7

Ohio Revised Code:

3323.08(A)

Operating Standards:

3301-51-04(C)

FORMS (* = required)