

Confidentiality - 4.6 Record of Access

State Performance Plan (SPP):

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

Intent:

To ensure that school districts (LEAs) maintain written documentation that provides a record of parties who obtain access to children's education records that have been collected, maintained or used by the school district.

REQUIREMENT

3301-51-04

(E) Record of access

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

GUIDANCE

Record of access

Each participating agency must maintain documentation in each child's records of persons who have examined the records, except access by the parents or authorized employees of the school district or agency. This documentation may be kept on a Record of Access form that includes the required information: the name of the person reviewing the file, date and purpose. The form may be attached to the inside, left- hand side of the child's education file so that it would be easily seen and accessed.

An agency may presume that parents have authority to inspect and review records relating to the parents' child unless the agency has been advised that the parents do not have the authority under applicable state law governing matters such as guardianship, separation and divorce. Parents also have the right to have a representative inspect and review the records. The parents' representative would need to fill out the access form.

LEGAL CITATIONS:

Federal Statutes:

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

Federal Regulations:

34 CFR §300.614

Ohio Revised Code:

3323.08(A)

Operating Standards:

3301-51-04(E)

FORMS (* = required)

Optional:

Record of Access form