

Release of Information: Disclosures That Require Consent

May, 2024

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific State law

The [Special Education Records page of i3](#) outlines Iowa expectations for *when disclosures require or do not require consent* from a parent or eligible student. Additional scenarios and examples are presented below.

Additional Scenarios & Examples	Expectation
<p>Supplemental Security Insurance (SSI) worker calls and would like to discuss educational needs of a learner with an AEA staff person.</p>	<p>AEA staff should request a copy of the signed SSI release prior to sharing information.</p>
<p>Supplemental Security Insurance (SSI) has requested student records from AEA personnel.</p>	<p>AEA staff should request a copy of the signed SSI release prior to sharing information.</p>

Additional Scenarios & Examples	Expectation
<p>Iowa Vocational Rehabilitation Services (IVRS) has been invited to an IEP meeting to initiate transition services, and needs IEP records for a student.</p>	<p>Iowa Vocational Rehabilitation Services (IVRS) counselors commonly work with teachers and learners with disabilities for transition planning and need access to IEP records to establish eligibility for services and program planning. <i>IVRS will need parent consent to access records.</i> In the state IEP system, a form, <i>Consent to Release Information to and from IVRS</i>, is available for this purpose.</p> <p>Written and parental consent is needed for completion of the Pre-ETS Agreement and the IVRS application for students under the age of 18, and can be obtained after the initial meeting.</p> <p>Note: This guidance represents a change that became effective July 1, 2023, when IVRS became a division of Iowa Workforce Development. Prior to this date, IVRS was a part of the Iowa Department of Education and consent was not needed to access educational records. <i>Now, obtaining parental consent is always required for exchange of information between IVRS, School Districts and the AEA.</i></p>
<p>Communication and exchange or records information is necessary with Foster Parent(s) (See also Joint Policy Statement from Iowa DE and Iowa Department of Health and Human Services).</p>	<p>AEAs and School Districts may share information with the foster parent(s), without additional consent,</p> <ol style="list-style-type: none"> 1) if the foster parent is a relative to the child, and is acting in place of the biological or adoptive parent, 2) if the foster parent has been appointed as a surrogate parent by the AEA, and/or 3) a court order has named the foster

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	<p>parent as the person designated to make educational decisions for the child.</p> <p>If none of these conditions are met, then <i>Authorization to Release and Exchange Information</i> must be completed and signed consent obtained by a parent prior to sharing information with a foster parent.</p>
<p>AEA staff would like to discuss educational needs with an outside medical or mental health provider.</p>	<p><i>Authorization to Release and Exchange Information</i> must be completed and signed consent obtained by a parent prior to sharing information with outside providers.</p>
<p>Outside medical or mental health providers would like to discuss educational needs with an AEA provider.</p>	<p><i>Authorization to Release and Exchange Information</i> must be completed before sharing with the provider. Outside providers are responsible for obtaining their own signed release of information, as needed, before providing information. Some providers may need to use their own consent form that complies with HIPAA.</p>
<p>Department of Health and Human Services (DHHS) has requested information <i>as part of a child abuse investigation</i>.</p>	<p>A school district or AEA may provide personally identifiable information contained in student records to Department of Health and Human Services in conjunction with a child abuse investigation without the necessity of obtaining parental consent. This rule applies to children of all ages and without regard to whether a child is in general education or special education.</p>

Additional Scenarios & Examples	Expectation
<p>Department of Health and Human Services (DHHS) has requested information and IEP records for a child who is to be placed in foster care.</p>	<p><u>Unless</u> there is an active child abuse investigation or a health/safety emergency, the <i>Authorization to Release and Exchange Information</i> should be completed to ensure parents give consent for communication and records release with DHHS.</p>
<p>A student is placed in a Juvenile Detention Center or Shelter Care Facility, and the AEA teacher providing services needs access to special education records, so that an IEP may be implemented.</p>	<p>In these settings, the AEA makes provisions for special education services, and teachers are employed to work onsite to implement IEPs. These educators serve as school officials, and so, consent or release of information is <u>not</u> required for access to records in these cases.</p> <p>Case workers or other professionals working with students in the context of these placements, <i>who are not acting as school officials</i>, must have a consent for accessing records - the <i>Authorization to Release and Exchange Information</i> should be completed.</p>
<p>A student is placed in an Adult Correctional Facility, and the AEA teacher or other school officials need access to special education records, so that an IEP may be implemented.</p>	<p>The assessment and delivery of special education services to incarcerated individuals in Iowa's adult correctional facilities is governed by an agreement between the Iowa Department of Education (DE) and the Iowa Department of Corrections (DoC). AEA's are responsible for the delivery of special education services in prisons. AEA teachers provide services on-site, and serve as school officials. Consent or</p>

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	release of information is <u>not</u> required for access to records in these cases.
A student is incarcerated in a jail and district officials are working to provide special education services	Eligible individuals who are incarcerated in jails are the instructional responsibility of the LEA. The LEA in which the jail is located is responsible for assuring that the eligible individual receives instruction. The resident LEA is financially responsible for that instruction. Teachers assigned to provide educational services will have access to special education records, as school officials. Consent or release of information is <u>not</u> required for access to records in these cases.