



## SHS Parental Consent Information

Generally, schools must have **written permission** from the parent, legal guardian, or eligible student (18 and over) in order to release any information from a student's education record. Parent Consent guidelines are included in both FERPA and IDEA Rules and Regulations.

### **Consent Guidelines 34 CFR 300.90:**

- (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;
- (b) The parent understands and agrees **in writing** to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom the records will be released

### **Medicaid SHS Program Additional Guidelines:**

#### **IDEA:**

34 CFR § 300.154(d)(2)(iv)(A) provides that consistent with the definition of “consent” in § 300.9(b), the parent understands and agrees **in writing** to the carrying out of the activity for which his or her consent was sought

Once the school district obtains the one-time consent, they will annually thereafter be required to provide parents with a written notification to help ensure that parents understand their rights when a public agency uses their or their child’s public benefits or insurance to pay for services.

### **Who is responsible for obtaining parental consent and providing annual notification?**

The Local Education Agency (LEA) responsible for providing a free appropriate public education (FAPE)—not the individual school—is the entity responsible for providing written notification and obtaining parental consent prior to the disclosure of personally identifiable information for billing purposes and before accessing a student’s public benefits or insurance (e.g., Medicaid) for the first time. The LEA is additionally responsible for providing annual written notification thereafter.

### **Can parental consent be acquired verbally through an interaction with the parent/guardian?**

No, IDEA regulations require **written consent** to release student information. IDEA rules also require notification prior to obtaining a signature, thereby ensuring informed consent.



***Can an electronic signature be used to provide consent?***

Yes, an LEA may accept digital or electronic signatures in obtaining the parental consent. ***Signed and dated written consent*** may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

***If a student transfers to a new school district, does that new district need to obtain new consent?***

Yes, if a student transfers LEAs, the new LEA must provide written notification and obtain a new parental consent prior to the disclosure of personally identifiable information for billing purposes and before accessing a student's public benefits or insurance (e.g., Medicaid) for the first time. The LEA is additionally responsible for providing annual written notification thereafter.

## Best Practice

- Consent must be informed, therefore written notification should be provided prior to obtaining signatures. This can be done in an IEP meeting or during online or in-person registration
- Written Notification must be provided to parents/legal guardians each year (Annual Notification). This may be provided through mailing, student handbooks, online or in-person registration, or at an IEP meeting
- Consent forms should include acceptable consent language, the student's name, an indication of YES or NO, a signature, and a date
- Parental consent information should be updated in ezEdMed, including the date, and original copies should be filed and saved for proof of documentation in state comprehensive reviews and federal audits
- Program reviews and audits will require a digital, scanned, or original copy of the signed consent form