

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

MEMORANDUM

August 30, 2010

TO: CAROL COMEAU, SUPERINTENDENT  
ED GRAFF, ASSISTANT SUPERINTENDENT, INSTRUCTION  
MIKE HENRY, EXECUTIVE DIRECTOR, HIGH SCHOOL EDUCATION  
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DIANE POAGE, DIRECTOR, RELATED SERVICES  
NANCY EDTL, DIRECTOR, HEALTH SERVICES  
SCHOOL PRINCIPALS



FROM: CINDY ANDERSON, EXECUTIVE DIRECTOR, SPECIAL EDUCATION

SUBJECT: General Questions and Answers about Using ASD Release Forms to Gather and Share Private Student Information

Introduction

The Family Education Rights Privacy Act (FERPA) is a federal law that protects the privacy of student education records created or maintained by a school district.

Q. When do ASD personnel need to use a Release of Information?

District personnel are often requested by parents to send records or converse with outside agencies, such as private medical doctors, psychologists or therapists regarding the student's school performance. These are some of the most frequent examples:

- a. Gathering information for health records
- b. Gathering information in preparation for a student's evaluation and eligibility determination
- c. Gathering information from outside agencies regarding their observations of the student in preparation for an annual review or amendment of a student's IEP
- d. Requesting completion of particular documents, including an Other Health Impairment, Orthopedic Impairment or documentation of a Traumatic Brain Injury by a private provider.
- e. Responding to requests from parents or private providers who are seeking information about the student's school performance.

Q. How do District personnel determine which release form should be used?

The Release of Education Records is used by District personnel to **give or release** information that is already in District files to a private provider or person other than the student's parent. This release is also used when District personnel are going to provide verbal information to a private party regarding the student's school performance.

The Release of Health Information is used by District personnel to **request medical or health information** from private providers including physicians or medical staff at a medical office, therapists, private SLP's, OT's, PT's, psychologists. Each of these offices comply with the federal law, HIPAA, which protects the student's individual health records. *For more information on HIPAA and FERPA, please see the ASD memo entitled "Understanding FERPA and HIPAA" located in the ASD special education online handbook.*

Q. What happens when a medical, psychological or other private provider refuses to accept the ASD Release of Health Information?

The team should refer the situation to their Division Director so that guidance from legal counsel can be sought, if needed.

Q. If a special education student has a foster parent or surrogate parent, who signs a Release of Information?

The Release of Educational Records is only able to be signed by the current surrogate parent or affirmed foster parent. This information is located for teams in the ASD IEP program, under the parent field. If a team has a question about surrogate or affirmed foster parent status, contact the Surrogate Parent Program at 742-4272.

Surrogate parents do not have the authority to sign a Release of Health Information. Social workers or probation officers can best advise the District regarding who has the authority to complete the Release of Health Information for a student in state custody.

Q. Further questions?

Compliance with FERPA issues are generally directed to the Federal and State Compliance Director who can be reached through the Special Education Office at 742-4272.