

Records

REDISCLASURE OF INFORMATION

March 30, 2021

Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

CONTENTS

Redisclosure of Information	1
What is Required	1
Conditions for Redisclosure Without Consent	1
Definitions	2
Additional Procedures	3
Redisclosure Notice	3
Evidence of Implementation	3
Resources	3
CITATIONS	4

Redisclosure of Information

What is Required

Personal information from student education records may be transferred to an authorized third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent, except in certain circumstances. In addition, officers, employees, and agents of the party that receive this information may only use the information for the purpose for which the disclosure was made. If a third party permits access to information in violation of this provision, the District shall not permit access to information from educational records to that third party for a period of not less than five years.

Conditions for Redisclosure Without Consent

A party may redisclose the information received from the District without the prior consent of the parent or eligible student if the redisclosure is made based on the following exceptions:

- To parents of dependent students;
- To comply with a court order or lawfully issued subpoena;
- As directory information;
- To the parent of a student who is not an eligible student or to the student;
- When the disclosure is in connection with and satisfies the elements of a disciplinary proceeding at an institution of postsecondary education;
- When the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law, or of any rule of policy of the institution, related to the use or possession of alcohol or a controlled substance; and
- When the disclosure concerns sex offenders and other individuals required to register under the section of the Violent Crime Control and Law Enforcement Act of 1994 and satisfies the elements of the exception.

See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION] and [DISCLOSURE OF DIRECTORY INFORMATION].

The District must inform a party to whom disclosure is made of the requirements of redisclosure unless the redisclosure is made under one of the exceptions above. The District may still disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the District if the disclosures meet the exceptions for when consent is not required to disclose information and the District has complied with the requirements related to maintaining the record of access. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION] and [RECORD OF ACCESS].

Definitions

“Dependent student” is a qualifying child or relative.

- A qualifying child, with respect to any taxpayer for any taxable year, is an individual who bears a relationship to the taxpayer (i.e. is a child of the taxpayer or a descendant of such a child, or a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative); has the same principal place of abode as the taxpayer for more than one-half of such taxable year; meets the age requirements (has not reached the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins or is a student who has not reached the age of 24 as of the close of such calendar year); has not provided over one-half of such individual’s own support for the calendar year in which the taxable year of the taxpayer begins; and has not filed a joint return (other than only for a claim of refund) with the individual’s spouse.
- A qualifying relative, with respect to any taxpayer for any taxable year, is an individual who bears a relationship to the taxpayer (i.e. is a child or descendant of a child; a brother, sister, stepbrother, or stepsister; the father or mother, or an ancestor of either; a stepfather or stepmother; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law; or an individual who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer’s household); whose gross income for the calendar year in which such taxable year begins is less than the exemption amount; with respect to whom the taxpayer provides over one-half of the individual’s support for the calendar year in which such taxable year begins; and who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.
- It does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country

contiguous to the United States.

Additional Procedures

Redisdisclosure Notice

For any release of student records to a third party, the Record of Custodian who releases the record shall ensure that attached to the records is the District's notice explaining the prohibitions of redisclosure and the exceptions to redisclosure as set out in District policy. Specifically, the District will inform the recipients of personally identifiable information of the limitation on redisclosure, when such a limitation is applicable, by the following statement which is to accompany such disclosures:

The information on this document is considered personally identifiable information from the education records of a student. This disclosure is made upon the condition that you will not disclose the information to any other party (except to your officers, employees and agents pursuant to purposes for which the disclosure is made) without obtaining the prior written consent of the parent or eligible student.

Any District Employee who learns that a third party has violated the prohibitions regarding redisclosure must report such conduct to a District Administrator immediately.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- Consent from Parent or Eligible Student
- Redisdisclosure in Accordance with Requirements
- Notice from District to Party Regarding Requirements of Redisdisclosure
- Record of Access
- [DISTRICT FORMS]

Resources

[The Legal Framework for the Child-Centered Special Education Process: Redisdisclosure of Information - Region 18](#)

[FPCO Notice to Superintendents - U.S. Department of Education](#)

[Frequently Asked Questions - U.S. Department of Education](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Board Policy FL; 20 USC 1092(f); 26 USC 152; 34 CFR 99.31, 99.33, 99.39