**Sample Policy and Procedure Regarding**

**Protections for the Privacy of Child Records[[1]](#footnote-1)**

1. **Policy Statement[[2]](#footnote-2)**

[Head Start Program] (the “Program”) will comply with 45 C.F.R. § 1303, Subpart C – Protections for the Privacy of Child Records to:

1. protect the confidentiality of all personally identifiable information (“PII”) included in child records;
2. respect the rights afforded to parents to access child records; and
3. maintain accurate and secure child records.
4. **Definitions**

For purposes of this Policy and Procedure the terms below shall have the following definitions:

1. Child records: means records that:
	1. Are directly related to the child;
	2. Are maintained by the program, or by a party acting for the program; and
	3. Include information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format.
2. Disclose: means to permit access to or to release, transfer, or otherwise communicate PII contained in child records by any means, including oral, written, or electronic means, to any party except the party that provided or created the record.
3. Parent: means a Head Start child’s mother or father, other family member who is a primary caregiver, foster parent or authorized caregiver, guardian or the person with whom the child has been placed for purposes of adoption pending a final adoption decree.
4. Personally identifiable information (“PII”): means any information that could identify a specific individual including, but not limited to, a child’s name, name of a child’s family member, street address of the child, social security number, or other information that is linked or linkable to the child.
5. Staff: means paid adults who have responsibilities related to children and their families who are enrolled in programs.
6. **Procedure**
	1. <Department or Position Name> will perform the following procedures.
	2. Protecting the Confidentiality of PII
		1. Disclosure of PII upon request:
			1. All requests for the disclosure of PII from a child record should be directed to <Department or Position Name>.
			2. <Department or Position Name> will evaluate the request to determine if the Program must obtain a parent’s written consent to disclose the PII, or if an exception applies. *See* Appendix A.
			3. If no exception applies:
				1. <Position Name> will obtain written consent from the child’s parent.
				2. Written consent must be signed and dated and in a form substantially similar to Appendix B. The Program may accept written consent delivered by email as long as:

the written consent is delivered from the email address identified in the child’s records as belonging to the child’s parent; and

either:

the email includes as an attachment a signed and dated scanned copy of Appendix B; or

the email includes all of the required statements in Appendix B.

* + - * 1. A copy of the written consent should be maintained with the child record.
			1. If the request is from officials at a program, school, or school district in which the child seeks or intends to enroll or where the child is already enrolled, and the disclosure is related to the child's enrollment or transfer, Program does not need parental consent. Program shall follow the following procedures:
				1. <Position name> shall, before disclosing the records:

 provide written notification to the parent about the disclosure request;

provide the parent, upon the parent’s request, with a copy of the PII from child records to be disclosed; and

give the parent an opportunity to challenge and refuse disclosure of the information in the records.

* + - * 1. A copy of the notification should be maintained with the child record.
			1. If <Position Name> determines that [Program] does not need parental consent because an exception applies:
				1. <Position Name> should document the basis for the exception in a manner similar to Appendix A; and
				2. A copy of the documentation should be maintained with the child record.
			2. Prior to disclosing PII from a child record, <Position Name> must review the PII to ensure that:
				1. the information being released is no more than necessary to satisfy the purpose for which disclosure is sought; and
				2. the information being released does not have any PII related to another child. If the information contains PII related to another child, that PII must be redacted.
			3. Log: A [paper or electronic] log is maintained with each child record. Prior to disclosing PII from a child record, <Position Name> should make an entry in the log that (1) describes the PII that is being disclosed and (2) states that a parent’s written consent was obtained or, if not, documents the basis for the exception that allowed the Program to disclose PII without the written consent of the parent.
			4. Copies: After disclosing PII from a child record with a parent’s consent, <Position Name> will provide the child’s parent one copy of the PII disclosed to third parties. If the disclosure was made without parental consent, <Position Name> will provide the child’s parent one copy of the PII disclosed to third parties if the parent requests a copy. A copy will not be provided to child’s parent if the disclosure was to a court that ordered neither the subpoena, its contents, nor the information furnished in response be disclosed. Program will not charge parent for providing these copies.
		1. Disclosure of PII to school officials:
			1. <Position name> will evaluate consultants, contractors, subrecipients and volunteers to determine whether they are approved to access PII from child records under the school official exception. <Position name> will keep a master list of all such approved consultants, contractors, subrecipients and volunteers.
			2. Before adding a name to the master list of approved school officials, <Position name> will:
				1. document

the basis for the determination that the consultant, contractor, subrecipient or volunteer provides services for which the program would otherwise use an employee; and

the basis for the determination that disclosure of PII from child records is necessary for Head Start services; and

* + - * 1. ensure that the program has a written agreement with the consultant, contractor, subrecipient or volunteer that satisfies the requirements of ¶B3.
		1. Written Agreements:
			1. Before PII from a child record is disclosed to a consultant, contractor, subrecipient or volunteer, <Position name> will ensure that the consultant, contractor, subrecipient or volunteer executes a written agreement that contains the following terms:
				1. The purpose and extent of the disclosure;
				2. A provision that the consultant, contractor, subrecipient or volunteer protect PII from unauthorized disclosure and that unauthorized disclosure shall constitute a material breach of the agreement;
				3. A provision requiring that the consultant, contractor, subrecipient or volunteer immediately report to the Program any unauthorized disclosure(s) of PII;
				4. A provision addressing the remedy for unauthorized disclosure; and
				5. A provision mandating destruction or return of documents after they are no longer needed for the purpose for which they were disclosed.
			2. Annual Review.
				1. <Position name> will annually review all written agreements involving disclosure of PII and amend the agreements as necessary.
				2. As part of the annual review, <Position name> will verify that the consultant, contractor, subrecipient or volunteer has destroyed or returned PII in accordance with the written agreement.
				3. <Position name> will keep a [paper or electronic] log detailing the date and results of each annual review. The log will be kept with the written agreement to which it pertains.
	1. Access to Child Records
		1. Inspection of Child Records
			1. A child’s parent may request access to his or her child’s record by submitting such request, in writing, to [position name]. Program will provide to child’s parent upon request a form, similar to Appendix C, for the purpose of requesting access.
			2. Within 45 days after receipt of request, Program will:
				1. Verify that the requestor is child’s parent;
				2. Review the child’s record to ensure that there is no reason (such as a court order) to believe that the parent does not have access to the child’s record or portions of the child’s record;
				3. Collect records related to the child;
				4. Review the child’s record and redact any information related to another child; and
				5. Notify the parent of the time and place that the inspection will take place.
			3. On the day of the inspection, [Position name] shall:
				1. Verify the identity of child’s parent through inspection of photographic identification;
				2. Remain with the parent during the review to explain the contents of the record and ensure that nothing is removed from the record; and
				3. Ensure that the parent signs a form, attached as Appendix D, acknowledging that the inspection took place.
			4. A third-party may attend the inspection with the child’s parent provided that:
				1. the child’s parent gives written consent in the form attached as Appendix E; and
				2. the third-party acknowledges in writing, in the form attached as Appendix E, an obligation to maintain the confidentiality of the record.
			5. Program will not destroy a child record if a child’s parent has requested an opportunity to inspect and review the child record, but has not yet been granted access to the child record.
		2. Amending Records
			1. A parent may ask Program to amend or delete information in the child’s record that is inaccurate, misleading, or violates the child’s privacy. Program will provide to child’s parent upon request a form for the purpose of requesting amendment or deletion of information. *See* Appendix F.

* + - 1. [Position name] will appoint a Program employee to review the parent’s request for amendment or deletion of information.
				1. The appointed employee should not be:

the child’s teacher;

an employee who has worked or works directly with the child;

an employee who has worked or works directly with the child’s parent;

an employee who was involved in any way in drafting, creating, reviewing or editing the information that is the subject of parent’s request; or

an employee who has any direct interest in the outcome of parent’s request.

* + - * 1. If Program does not have an employee who meets the qualifications of ¶i, <Position name> may appoint a consultant, contractor, or volunteer to review the parent’s request. The consultant, contractor or volunteer should not be:

an individual who has worked or works directly with the child;

an individual who has worked or works directly with the child’s parent;

an individual who was involved in any way in drafting, creating, reviewing or editing the information that is the subject of parent’s request; or

an individual who has any direct interest in the outcome of the hearing.

* + - 1. The person appointed will consider parent’s request and issue a written decision, in the form attached as Appendix G, within thirty days of the date Program received the parent’s request. If the parent’s request is denied, the Program’s written decision will inform the parent of the right to a hearing.
		1. Hearings
			1. Hearing Requests: A parent may request a hearing in the form attached as Appendix H.
			2. Scheduling a Hearing:
				1. Within 10 business days of parent’s request, [Position name] will appoint a Program employee to serve as the hearing officer.

* + - * 1. The appointed employee should not be:

the child’s teacher;

an employee who has worked or works directly with the child;

an employee who has worked or works directly with the child’s parent;

an employee who was involved in any way in drafting, creating, reviewing or editing the information that is the subject of parent’s request;

an employee who issued the written decision that is the subject of the hearing; or

an employee who has any direct interest in the outcome of the hearing.

* + - * 1. If Program does not have an employee who meets the qualifications of ¶(ii), <Position name> may appoint a consultant, contractor, or volunteer to serve as hearing officer. The consultant, contractor or volunteer should not be:

an individual who has worked or works directly with the child;

an individual who has worked or works directly with the child’s parent;

an individual who was involved in any way in drafting, creating, reviewing or editing the information that is the subject of parent’s request;

an individual who issued the written decision that is the subject of the hearing; or

an individual who has any direct interest in the outcome of the hearing.

* + - * 1. At least two weeks prior to the hearing, [Position name] will notify child’s parent of the time and date of the hearing using the form attached at Appendix I.
			1. Hearing:

* + - * 1. Parent may be represented in the hearing by an attorney or another person of Parent’s choosing.
				2. Procedure. The hearing will proceed as follows:

The hearing officer will review the hearing procedures.

Child’s parent will have the opportunity to make an opening statement and present evidence in support of the request. Evidence may be presented in the form of witness testimony or documents.

Program will have the opportunity to make an opening statement and present evidence against parent’s request. Evidence may be presented in the form of witness testimony or documents.

Child’s parent will have the opportunity to rebut evidence presented by Program.

* + - 1. Decision
				1. The hearing officer should document the evidence presented at the hearing.
				2. The hearing officer will make a written decision based only on the evidence presented at the hearing. The decision will be communicated to the parties using the form attached at Appendix J.
			2. Outcome.

* + - * 1. If the hearing officer determines that the information in the child record is inaccurate, misleading, or violates the child’s privacy, Program will amend or remove the information and notify the parent in writing.
				2. If the hearing officer determines that information in the child’s records is accurate, does not mislead, and does not otherwise violate the child’s privacy, [Position name] will inform the child’s parent of the right to place a statement in the child record that comments on the contested information, states why the parent disagrees with the information, or both.
				3. If a child’s parent places a statement in the child record, Program will maintain the statement with the contested part of the child record for as long as the program maintains the record, and disclose the statement whenever Program discloses the portion of the child record to which the statement relates.
		1. A parent may review any written agreements with third parties that involve the disclosure of PII.
	1. Record Maintenance.Program will follow its Document Retention and Destruction Policy [insert cross-reference].
	2. Annual Notice.Program will annually notify parents in writing of their rights as described in this Policy and Procedure, in the form attached as Appendix K. Program will require a parent to acknowledge receipt of the annual notice by signing, dating and returning the form attached as Appendix L.
	3. **Training**
		1. Program will develop and implement training regarding this Policy and Procedure including training on identifying PII, disclosing PII, accessing PII, and what to do in the event of an unauthorized disclosure of PII.
		2. All applicable Program employees and contractors (“Staff”)[[3]](#footnote-3) are required to comply with this Head Start Protections for the Privacy of Child Records Policy and Procedure and must sign and return the certification attached as Appendix M.
		3. Program will require all employees to retrain and recertify their commitment to securing PII not less than annually.

**The Policy and Procedure Regarding Protections for the Privacy of Child Records will be reviewed periodically and updated consistent with the requirements established by the Board of Directors, Program’s senior management, federal and state laws and regulations, and applicable accrediting and review organizations.**

## **Responsible Parties:**

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Executive Officer

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX A**

**RESPONSE TO REQUEST FOR PERSONALLY IDENTIFIABLE**

**INFORMATION dISCLOSURE**

**MEMORANDUM TO FILE of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[Date]

 On [DATE], <Program> received a request for information, including personally identifiable information, from child records. After evaluating the request, I have determined that written consent from child’s parent is not necessary because:

\_\_\_ The disclosure is to a school official on the list approved pursuant to the procedures set forth in III.B.2 of the Policy and Procedure Regarding

Protections for the Privacy of Child Records

\_\_\_ The disclosure is to an official within the Program, acting for the Program, or from a federal or state entity and

🞏 the request is in connection with an audit or evaluation of education or child development programs, or for enforcement of or compliance with federal legal requirements of the program; and

🞏 [Program] has a written agreement with the official that contains the terms required by [Program]’s Policy.

\_\_\_ The disclosure is to an official within the program, acting for the program, or from a federal or state entity and

🞏 the request is in connection with a study to improve child and family outcomes; and

🞏 [Program] has a written agreement with the official that contains the terms required by [Program]’s Policy.

\_\_\_ The disclosure is or was made in order to address the following disaster, health or safety emergency \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and

🞏 the emergency was ongoing at the time of disclosure; and

🞏 disclosure was necessary to protect the health or safety of children or other persons because [insert];

\_\_\_ The disclosure is made to comply with a judicial order or lawfully issued subpoena and

🞏 Program made the following efforts to notify the parent about all such subpoenas and court orders before making the disclosure: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; OR

🞏 one of the following circumstances is present (choose all that apply):

🞏 A court has ordered that neither the subpoena, its contents, nor the information provided in response be disclosed;

🞏 The disclosure is in compliance with an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

🞏 A parent is a party to a court proceeding directly involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101)) or dependency matters, and the order is issued in the context of that proceeding.

🞏 A program initiates legal action against a parent or a parent initiates legal action against a program.

\_\_\_ The disclosure is made to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service and

🞏 The request was made to conduct program monitoring, evaluations, and performance measurements for the Child and Adult Care Food Program under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966;

🞏 the results will be reported in an aggregate form that does not identify any individual;

🞏 [Program] has a written agreement with the Secretary of Agriculture or authorized representative that contains the terms required by [Program]’s Policy.

\_\_\_ The disclosure is to a caseworker or other representative from a state, local, or tribal child welfare agency and

🞏 the child is in foster care

🞏 the requestor’s agency is legally responsible for the child’s care and protection

🞏 the requestor has the right to access a case plan for the child

🞏 [Program] has a written agreement with the requestor that contains the terms required by [Program]’s Policy

\_\_\_ The disclosure is being made to appropriate parties in order to address suspected or known child maltreatment and is consistent with applicable federal, state, local, and tribal laws on reporting child abuse and neglect.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX B**

**CONSENT FOR RELEASE OF CHILD’S RECORDS**

Date:

 I consent to release of \_\_\_\_\_\_\_\_(specific documents)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for the purpose of

 I understand that my consent to this disclosure is entirely voluntary and may be revoked at any time. I also understand that if I revoke this consent, my revocation will not affect disclosures that have already been made.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signature of parent]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Printed name of parent]

**For official use only**

Date Received: \_\_\_\_\_\_\_\_\_\_\_

Notes: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Official Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of disclosure: \_\_\_\_\_\_\_\_\_

**APPENDIX C**

**REQUEST TO INSPECT CHILD’S RECORDS**

Date:

To: [Name of designated official]

From: [Name(s) of parent(s)/guardians(s)]

Parent/guardian Address:

Parent/guardian Telephone:

Under the Protections for the Privacy of Child Records provisions of the Head Start Program Performance Standards, found at 45 C.F.R. § 1303 Subpart C, I request to inspect the child record of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Relationship to child: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By signing below, I understand that I may not add or remove anything from the child’s record without requesting an amendment to the record. Further, I understand that I may have a third-party with me to inspect the record so long as I provide my consent in writing and the third-party acknowledges, in writing, his or her obligation to maintain confidentiality of the record.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For official use only**

Date Received: \_\_\_\_\_\_\_\_\_\_\_

Approved: \_\_\_\_\_\_ Disapproved: \_\_\_\_\_\_\_ Reason(s) for disapproval\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Official Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_ Date notice sent to parent/guardian: \_\_\_\_\_\_\_\_\_

**APPENDIX D**

**ACKNOWLEDGEMENT OF INSPECTION**

I hereby acknowledge and certify that on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, I inspected the child records of my child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at [Program Name] in the presence of [present employee] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX E**

**THIRD-PARTY CONSENT FORM**

*Parental Consent to Third-Party*

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, parent/legal guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby grant permission to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to accompany me during my inspection of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s child records. I understand that by giving my consent, personally identifiable information, normally protected by Federal and state laws, may be disclosed to the above named person.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Third-Party Acknowledgement of Confidentiality Obligation*

I understand that by accompanying \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ during the review of his/her child’s record that I will be given access to confidential personally identifiable information maintained therein. I understand that this information is protected under federal and state law. Further, I accept the responsibility to maintain the confidentiality of any information from the record.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Staff Authorization Signature*

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX F**

**REQUEST TO AMEND CHILD RECORD**

Date:

After reviewing my child’s record, I believe that portions of the record (circle all that apply): are inaccurate, are misleading, or violate my child’s privacy. Specifically, the current record reads:

I object to including this information in my child’s record because:

I believe my child’s record should be amended in the following way:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For official use only**

Date Received: \_\_\_\_\_\_\_\_\_\_\_

Date response sent to parent/guardian: \_\_\_\_\_\_\_\_\_

**APPENDIX G**

**RESPONSE TO REQUEST TO AMEND RECORD**

Date:

To: [Name(s) of parent(s)/guardians(s)]

From: [Name of designated official]

Dear [Parent Name]:

<Name of Organization> received your request to amend the record for your child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. After reviewing your request, I have decided to

 \_\_\_\_\_ Approve your request and make the necessary changes to the child’s record.

 \_\_\_\_\_ Deny your request because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[If request is denied]. As a parent, you are entitled to a hearing concerning your request. If you decide you would like to request a hearing, please return the attached “Request for Hearing” form to the office.

<Contact Information>

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX H**

**REQUEST FOR HEARING**

Date:

To: [Name of designated official]

From: [Name(s) of parent(s)/guardians(s)]

Parent/guardian Address:

Parent/guardian Telephone:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, parent/legal guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

hereby request a hearing pursuant to 45 C.F.R. § 1303.23(c) to present evidence in support of my request to amend my child’s record.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For official use only**

Date Received: \_\_\_\_\_\_\_\_\_\_\_

Official Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Officiant of Hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date notice sent to parent/guardian: \_\_\_\_\_\_\_\_\_\_

**APPENDIX I**

**NOTIFICATION OF HEARING**

Date:

To: [Name(s) of parent(s)/guardians(s)]

From: [Name of designated official]

Dear [Parent Name]:

We have received your request to schedule a hearing to challenge <Name of Organization>’s denial of your request to amend your child’s record. The Hearing is scheduled for:

<Information>

If you cannot attend on the above date, please contact my office as soon as possible to reschedule.

During the hearing, you will be given the opportunity to present evidence related to your request to amend your child’s records. You may be represented by an attorney, or any other individual of your choosing. A decision will be made based solely on the evidence presented at the hearing. You will be informed, in writing, of the decision.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX J**

**NOTIFICATION OF HEARING DECISION**

Date:

To: [Name(s) of parent(s)/guardians(s)]

From: [Name of designated official]

Dear [Parent Name]:

 A hearing was conducted on \_\_\_\_\_\_\_\_\_\_\_ regarding the information in the child record of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 At that hearing, you presented the following evidence: [insert].

 Program presented the following evidence: [insert].

 After review of the evidence presented during the hearing, I have made the following findings:

Based on these findings, I have concluded that:

 \_\_\_\_\_ the record should be amended per your request. The information has been altered to reflect your [DATE] Request to Amend Child Record.

 \_\_\_\_\_\_ the information contained in the record is not inaccurate or misleading, and does not violate your child’s privacy because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

As the child’s parent/guardian, you have the right to include in your child’s record a written statement commenting on the contested information or stating why you disagree with the program’s decision, or both. If you decide to write a statement, please send the statement to:

<contact information>

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX K**

**ANNUAL NOTICE**

Date:

To: Head Start Parents and Guardians

From: [Name of designated official]

Dear Parents and Guardians:

This letter serves as a reminder of your rights under 45 C.F.R. § 1303, Subpart C – Protections for the Privacy of Child Records.

1. You have the right to provide written consent before Program discloses personally identifiable information (PII) from your child’s records, except to the extent that the Head Start Program Performance Standards (“HSPPS”) authorize disclosure without consent.
2. Program is permitted to disclose PII from child records, without consent of the parent, if the disclosure meets one of the following exceptions:
	1. The disclosure is to program officials who need to access PII to provide Head Start services. A program official typically includes a person employed by the Program as an administrator, supervisor, instructor, support staff member (including health or medical staff) or a person serving on the governing body. A program official may also include a volunteer, contractor or consultant who, while not employed by the Program, performs services for which the Program would otherwise use its own employees. A program official typically has a need to have access to PII if the official needs to review a child record in order to fulfill his or her professional responsibility.
	2. The disclosure is in connection with an audit or evaluation of education or child development programs, or for enforcement of or compliance with the federal legal requirements of the program.
	3. The disclosure is pursuant to a study to improve child and family outcomes, including improving the quality of programs, for, or on behalf of the program.
	4. The disclosure is to the appropriate parties in order to address a disaster, health or safety emergency during the period of emergency, or a serious health and safety risk and the program determined that disclosing the PII from child records is necessary to protect the health or safety of the child or other persons.
	5. The disclosure is necessary to comply with a sealed judicial order or lawfully issued subpoena.
	6. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service to conduct program monitoring, evaluations, and performance measurements for the Child and Adult Care Food Program under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966 and the results will be reported in the aggregate form that does not identify any individual.
	7. The disclosure is to a case worker or other representative from a state, local, or tribal welfare agency, who has the right to access a case plan for a child who is in foster care placement, when such agency is legally responsible for the child’s care and protection under state or tribal law and the agency agreed in writing to protect PII, to use the information from the child’s case plan for specific purposes intended of addressing the child’s needs, and to destroy information that is no longer needed for those purposes.
	8. The disclosure is to the appropriate parties in order to address suspected or known child maltreatment and is consistent with the applicable federal, state, local, and tribal laws on reporting child abuse and neglect.
3. You have a right to inspect a log of all individuals, agencies or organizations to whom PII from your child’s records was disclosed.
4. You have the right to a free copy of any records provided to a third party, unless the disclosure was made pursuant to a court order ordering their nondisclosure.
5. You have the right to inspect any written agreement that [Program Name] has with third parties regarding the use, disclosure, and storage of your child’s PII.
6. You have the right to inspect and request amendment’s to your child’s record on file with [Program Name].
	1. If you desire to view your child’s records, please submit a request to: <contact information>.
	2. Upon receipt of your request, a <Program> employee will arrange a time for you to view your records. You are welcome to bring a third-party, including an attorney, to view the records with you. The third-party must sign an acknowledgement form recognizing that he or she has an obligation to maintain the confidentiality of the child’s record.
7. You have a right to request amendment of your child’s record if you believe that portions of the record are inaccurate, misleading, or otherwise in violation of the child’s privacy rights.
	1. If you desire to request amendment of your child’s records, please submit a request to : <contact information>.
	2. After reviewing your request, the Program will issue a decision.
8. If your request for amendment of your child’s records is denied, you may request a hearing to present evidence in support of your position. You may be represented by any individual of your choosing, including an attorney, during the hearing.

Please sign and date the attached “Acknowledgement of Recipient of Annual Notice” form attached to this letter.

Thank you,

[HEAD START DIRECTOR]

**APPENDIX L**

**ACKNOWLEDGEMENT OF RECEIPT OF ANNUAL NOTICE**

Date:

To: [Name of designated official]

<contact information>

From: [Name(s) of parent(s)/guardians(s)]

Dear [Program Director],

I hereby acknowledge that I have been given a copy of the [YEAR] annual notice concerning my rights under 45 C.F.R. § 1303, Subpart C – Protections for the Privacy of Child Records regarding my child’s personally identifiable information held by [PROGRAM]. I understand that I have the right to inspect and request amendments to those records, and that those records may be released without my consent in a limited set of situations.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX M**

**Certification of Commitment to COMPLY WITH
Policy and Procedure Regarding**

**Protections for the Privacy of Child Records**

I hereby acknowledge and certify that I have received and reviewed a copy of the Policy and Procedure Regarding Protections for the Privacy of Child Records and I understand that it represents a mandatory policy of the Program.

By signing this form below, I agree to abide by the Policy and Procedure Regarding Protections for the Privacy of Child Records during the term of my employment, contract, or agency or while otherwise authorized to serve on Program’s behalf as a volunteer or otherwise. In addition, I acknowledge that I have a duty to report any suspected or known violation of the Policy and Procedure Regarding Protections for the Privacy of Child Records to my supervisor or through the normal chain of command. I acknowledge that I may also report the information directly to the Compliance Officer or any other member of senior management.

*Please return this completed, signed Certification of Commitment to the [ ].*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Printed Name

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Title/Position

1. The Authors of these materials include attorneys at the law firm of Feldesman Tucker Leifer Fidell LLP. The sample documents offer general guidance based on federal law and regulations and do not necessarily apply to all Head Start programs under all facts and circumstances. Further, these materials do not replace, and are not a substitute for, legal advice from qualified legal counsel. [↑](#footnote-ref-1)
2. Author’s note: The requirements of Subpart C are not applicable to those organizations subject to the Family Educational Rights and Privacy Act (“FERPA”) or to children who are eligible for services under the Individuals with Disabilities Education Act (“IDEA”). *See* 45 C.F.R. § 1303.21. [↑](#footnote-ref-2)
3. Authors’ note: A program may wish to modify the description of the staff members who must comply with this Policy and Procedure and sign the certification set forth in Exhibit A. Please note that requiring applicable staff to sign the certification set forth in Exhibit A is not mandatory, but such certification would serve as useful documentation of a program’s efforts to comply. [↑](#footnote-ref-3)