

## Release of Information - Instructions for Completion

The Family Educational Rights and Privacy Act (FERPA), incorporated by reference in the Individuals with Disabilities Education Act (IDEA), requires that the parent's signed and dated written consent be obtained for the First Steps System to share specified information (e.g., progress notes, etc.) with individuals and agencies outside of the First Steps System.

A Release of Information (ROI) form should be completed for each individual/agency after it has been determined information needs to be shared. **Please note that this release is ONLY for individuals and agencies OUTSIDE of the First Steps System.** FERPA does not require that parental consent be obtained for individuals within the system (System Point of Entry staff, the child's Service Coordinator(s), the child's Service Provider(s), the Central Finance Office, and the Department of Elementary and Secondary Education) to share information with one another on a need to know basis.

Since this form will also be used for requesting information from physicians or other sources, it is intended to be compliant with both FERPA and Health Insurance Portability and Accountability Act (HIPAA) regulations.

This consent is valid until the child is no longer receiving First Steps services unless the parent specifies an expiration date. The parent may revoke their consent at any time. Should this be the case, the date of the request to revoke the consent should be documented on each consent form to which it applies.

All information shared with the Individual/Agency listed on the consent becomes part of the child's Early Intervention (EI) Record and shall be maintained in accordance with state and federal regulations implementing FERPA and IDEA.

### Educational Surrogate

In the rare case that a child does not have an identified parent, guardian, foster parent, or person acting as a parent, the SPOE must request that DESE assign an educational surrogate for the child. The educational surrogate or other person acting as a parent will sign the release of information and First Steps consent forms as the educational decision maker for the child. The "person acting as a parent of the child" refers to relatives of the child or private individuals with whom the child lives, when the child does not live with a parent or guardian. The term does not include the State if the child is a ward of the state.

### Explaining the ROI Options

This form has two options for sharing information: (1) **it may be a two-way release** - the two parties listed may mutually exchange information (i.e., a physician may share information with First Steps and First Steps may also share information with the physician), or (2) **it may be a one-way release** (i.e., the physician may release information to First Steps, but First Steps may not share any information with the physician).

After the Service Coordinator has explained to the parent what information they are seeking, or will share, and the purpose of the request, they also must ask the parent which option they prefer. If two parties may mutually exchange information, the Service Coordinator will complete Section B; if the parent prefers a one-way release, the Service Coordinator will complete Section C. Step by step instructions for completing the entire ROI Form follow.

## Instructions for Completing the Release of Information Form

1. **Section A:** The Service Coordinator must enter the parent's name, child's name, and child's date of birth (D.O.B.) in the appropriate blanks at the top of the form.

2. **Section B or C:**

**Section B**  
If the parent agrees to the parties *mutually exchanging information*, the Service Coordinator will complete the information required in Section B: the name/address/phone number of their SPOE and the name/address/phone number of the individual or agency with whom the SPOE may share and receive information regarding the child.\*

*or*

**Section C**  
If the parent chooses to have information *only released from one party to the other*, the Service Coordinator will complete the information required in Section C: the name/address/phone number of the individual/agency releasing the information and the name/address/phone number of the individual/agency to receive the information.

3. **Section D:** The Service Coordinator must check a box designating the purpose of the requested information. More than one item may be checked, if appropriate. If "other" is checked, the Service Coordinator must enter the purpose.

4. **Section E:** The Service Coordinator must check each appropriate box designating the types of records/information requested, or the record(s) being shared.

5. **Section F:** If the parent requests an expiration date that is prior to or after the date the child will no longer be receiving First Steps services, the Service Coordinator will enter the expiration date. If the parent does not wish to specify an expiration date, leave this section blank.

6. **Section G:** The parent must sign and date the form.

**\*NOTE regarding Section B:** Having the parent's written consent to mutually share information between First Steps and the local school district would be particularly helpful during transition from Part C.

## Documenting the ROI Process

To document the ROI process, the Service Coordinator will:

1. Add a case note in WebSPOE when the ROI is signed (e.g., 1/15/09 - Mom signed ROI today for Dr. Smith).
2. Make a copy of the ROI to send to the individual/agency with the request for information; maintain the original ROI in the child's file.
3. When information is requested, add a case note in WebSPOE when and how the ROI is sent (e.g., 1/15/09 - faxed health summary and ROI to Dr. Smith).
4. When information is sent, add a case note in WebSPOE when and how the information is sent (e.g., 6/10/09 – faxed transition IFSP and ROI to Jane Doe, ECSE).