



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Acting Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

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## Health Home Consent Withdrawal of Release of Educational Records

**Instructions:** This form is to withdraw (take away) consent (permission) to release educational records (which includes Early Intervention Program records) for children and adolescents who have been enrolled in a Health Home. Withdrawal of consent for release of educational records for children under age 18 must be provided by the parent. Withdrawal of consent for release of educational records for those over age 18 must be provided by the individual.

\_\_\_\_\_  
Name of Health Home

\_\_\_\_\_  
Name of Child/Patient

\_\_\_\_\_  
Date of Birth

By signing this form, I am saying that I no longer want \_\_\_\_\_ *[print name of specific school/local early intervention official/Early Intervention Program provider(s)]*

to share educational records for \_\_\_\_\_ *[print name of child/patient/client]* with the following:

\_\_\_\_\_  
Name of Health Home Care Manager

\_\_\_\_\_  
Name of Physician

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

By signing this form I understand that:

- I am taking away my permission to share educational records with these above named providers;
- the providers who already have this educational information do not have to give it back or take it out of their records;
- educational records must no longer be shared with the above named providers effective on this date;
- this information will still be protected under New York State and U.S. laws and rules;
- withdrawing consent will not impact mine or my child's (as appropriate) receipt of Early Intervention Program or special education programs and services; and
- all required services in mine or my child's (as appropriate) Individualized Family Service Plan or Individualized Education Program (IEP) will be provided at no cost to me.



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## For children under age 18

### Parent Signature:

\_\_\_\_\_  
Name of Child's Parent

\_\_\_\_\_  
Signature of Child's Parent

\_\_\_\_\_  
Date

## For individuals over age 18

### Client/Patient Signature:

Print \_\_\_\_\_  
Print Name of Client/Patient

\_\_\_\_\_  
Signature of Client/Patient

\_\_\_\_\_  
Date

## Details about Patient Information and the Withdrawal of Consent for Educational Records

### 1. A parent must sign consent to withdraw (take away) permission to share educational records for a child under the age of 18. Who qualifies as the parent?

A parent includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian [34 CFR § 99.3]. Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child or a person in parental relationship [8 NYCRR§200.1(ii)] [ § 2541(14) of Public Health Law (PHL), 10 NYCRR§69-4.1 (ah),(ai)]. A person in parental relation to another individual shall include his father or mother, by birth or adoption, his step-father or step-mother, his legally appointed guardian, or his custodian. A person shall be regarded as the custodian of another individual if he has assumed the charge and care of such individual because the parents or legally appointed guardian of such individual have died, are imprisoned, are mentally ill, or have been committed to an institution, or because, they have abandoned or deserted such individual or are living outside the state or their whereabouts are unknown. [Ed.L. § 3212]. A parent may designate another person as a person in parental relation to act in the place of the birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides) pursuant to title 15-A of the General Obligations Law. A parent also includes a surrogate parent who has been appointed by the early intervention official or school district to make educational decisions on behalf of the infant/toddler or student]] [10 NYCRR 69-4.16(d)], [8 NYCRR §200.5(n)]. A parent does not include the State if the infant/toddler or student is a ward of the State [8 NYCRR §200.1(ii)(1)] ] [10 NYCRR 69-4.16].

### 2. How will partners further use this information?

Partners may no longer share or use this educational information.

### 3. What will happen to these educational records?

This educational information will be kept by partners who already have this information, but they still must protect it by following all New York State and U.S. laws and rules.

### 4. What laws and rules cover how this child's educational information can be shared?

These laws and regulations include the federal Family Education Rights and Privacy Act of 1974 (FERPA) [34 CFR Part 99], New York's Personal Privacy Protection Law (PPPL) [Public Officer's Law §§91-99], NY Public Health Law (PHL) and regulations governing the Early Intervention Program (Title IIA of Article 25 and 10 NYCRR §69-4, the Individuals with Disabilities Education Act (IDEA) [20 U.S.C. 1417 et seq.] and it's implementing regulations at 34 CFR §300.610 through 300.627 and Parts 300 and 303.

### 5. Who can get and see this educational information after I withdraw this consent?

As of the date this form is signed, those included on this form will no longer get any new educational information, but information that has already been shared cannot be taken back.



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**6. What if a person uses this educational information without permission?**

If you think a person used this educational information without permission, the parent or eligible student may send a written complaint with the Family Policy Compliance Office under the Family Educational Rights and Privacy Act (FERPA) to the following address:

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

For additional information about how to submit a complaint see <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> or call 1-800-872-5327.

**7. How long does my withdrawal of consent last?**

Your withdrawal of consent will last forever.

**8. What if I change my mind later and want to share educational information again?**

If you change your mind, you must sign a new Consent to Release Educational Records.

**9. How do I get a copy of this form?**

After you sign this Withdrawal of Release of Educational Records, a copy will be provided to you.