

10900 STUDENT INFORMATION AND MISCELLANEOUS

10920 Family Educational Rights and Privacy Act (FERPA)

General

The Family Educational Rights and Privacy Act (FERPA) and the Privacy Act of 1974 are made applicable to the District by virtue of its acceptance of funds from the federal government. So long as the District wishes to continue receiving funds from the federal government, it must comply with the dictates of these two acts. The purpose of the Acts is to protect the privacy of parents and students.

Under the Privacy Act of 1974, the District is not permitted to require persons to disclose their Social Security Numbers except under special circumstances. Under FERPA the education records which must be protected include any information that is maintained by the District and is directly related to a student. Information will be directly related to a student if it contains a student name (or the student's parents' names) address or any other type of information that would lead a person viewing the information back to the student that it concerns. Statistical compilations or anything in the nature of student demographics do not generally fall within the FERPA's definition of student records which must be kept private.

Any rights guaranteed by FERPA belong to the parents of a student unless the student is over 18, in which case the Act and regulations will refer to that student as an eligible student. The rights of an eligible student and the parents of a minor child who is a student are the same. A court order, state statute, or other legally binding document relating to custody or divorce that specifically revokes parental rights will be binding on the school district and will terminate a parent's rights under FERPA.

Specific Duties

A. Maintaining Records

Each year the District must notify parents of all students currently in attendance and all eligible students of their rights under FERPA. These rights include:

1. Inspection and review of a student education record.
2. The right to seek amendment of that record if a parent or eligible student feels that the information contained therein is incorrect, misleading or otherwise in violation of a student's privacy right.
3. The right to consent to disclosure of any information contained in the record.
4. The right to file a complaint with the Department of Education concerning the district's alleged failures to comply with FERPA.

Additionally, the annual notice must contain the following information:

1. The procedure by which an eligible student or parent will inspect and review an education record.
2. The procedure for requesting an amendment.
3. The District's procedure, if any, concerning release of student information to school officials, including teachers, within the District who have a legitimate educational interest in that information. The annual notice shall also define school officials and legitimate educational interest.

Upon request, a parent or eligible student shall have the right to inspect a student's record. No fee may be charged for obtaining the record or compiling it. If the parent wishes to have a copy made, the District shall charge a fee of 25¢ per page for that copying. However, if the fee will effectively prevent a parent from obtaining the record, the Superintendent or his/her designee shall have the authority to waive the fee upon demonstration of financial hardship.

4 If, upon inspection of a student's record, a parent or
5 eligible student feels that any information contained therein is
6 "inaccurate, misleading or in violation of the student's right of
7 privacy," that person may request the District to amend the
8 record. Upon a request for amendment, the District must
9 either make the amendment or inform the parent or eligible
10 student that a hearing is available (because of a denial to
11 amend). After the hearing and upon the results thereof, the
12 District again must either amend or inform the parent or
13 eligible student of its denial of amendment in writing. If the
14 District denies the amendment after a hearing, it shall allow
15 the parent or eligible student to place a statement concerning
16 the issue in the student record. That statement shall be
17 disclosed whenever the information to which it relates is
18 disclosed.
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20 Any hearing under FERPA shall be held within a
21 reasonable time after the request. The District will give the
22 parents or eligible student reasonable notice of the date, time
23 and place of the hearing. The parent or eligible student shall
24 have a full and fair opportunity to present evidence and may
25 be represented by a person of his or her choice, including an
26 attorney. The District will make a determination on the merits
27 of the hearing within a reasonable time and provide an answer
28 to the parent or eligible student in writing. The decision that
29 the District arrives at will be based solely upon the evidence
30 presented at the hearing and will include a summary of that
31 evidence and reasons for the decision.
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33 **B. Releasing Records**
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35 If a parent or eligible student provides a specific signed
36 and dated consent for the District to release an educational
37 record then the District may do so. The consent must state to
38 whom and for what purpose specifically identified records may
39 be released. FERPA also allows release to certain persons
40 without consent. Included among these are school officials
41 within the District who have a legitimate educational interest
42 in the record, other specifically enumerated government
43 officials, school officials of other districts or post-secondary
44 educational institutions where a student seeks or intends to
45 enroll, financial aid officers under specific conditions,
46 organizations that compile statistical information for the
47 district, the district's accrediting organization and a variety of
48 others. In certain circumstances, even if release without
49 consent is lawful, a parent or eligible student must be
50 provided notice of such release.
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5 One category of information that is not necessary to be
6 held private under the terms of FERPA is directory
7 information. This term means any information contained in
8 an education record "which would not generally be considered
9 harmful or an invasion of privacy if disclosed." ~~Included in this~~
10 ~~directory information are such items as name, address,~~
11 ~~telephone number, date and place of birth, participation in~~
12 ~~extra-curricular activities, and dates of attendance, among~~
13 ~~other items of a similar nature.~~ **The following items have**
14 **been designated as directory information by the District.**

- 15 • **Name**
- 16 • **Address**
- 17 • **Phone # (unless unlisted)**
- 18 • **Birth date**
- 19 • **Place of Birth**
- 20 • **Photograph**
- 21 • **Participation in co-curricular activities**
- 22 • **Dates of attendance**
- 23 • **E-mail address**
- 24 • **Special awards and recognitions**
- 25 • **Major**
- 26 • **Activities and Sports**

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29 The rules stated above are for student information to
30 which FERPA applies. Directory information is not subject to
31 the same standards as other personally identifiable
32 information about students. If the District wishes to disclose
33 directory information -- that is name, address, telephone
34 listing, etc. -- it may do so if it provides appropriate notice to
35 parents and eligible students. Notice will contain a list of the
36 types of information included in directory information and will
37 advise parents of the right to refuse to allow this information
38 to be released even though it is directory information.
39 **"Personally identifiable" is information such as:**

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- 41 • **Name of the student, the student's parents or**
- 42 **other family members.**
- 43 • **The address of the student.**
- 44 • **Personal identifier such as Social Security**
- 45 **Number.**
- 46 • **List of personal characteristics which would**
- 47 **make the student's identity easily traceable.**

- **Other information which would make the student's identity easily traceable.**

C. Procedures for Implementation

The Superintendent or his/her designee shall establish procedures for the implementation of FERPA and the Privacy Act of 1974, as amended.

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| Adoption Date | - | September 13, 1999 |
| Practice | - | |
| Legal Reference | - | 20 U.S.C. § 1232g 34 C.F.R. § 99.1 et seq. |

JHD/KY/rjf