

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 and FERPA personally identifiable information and information directly related to a student are protected from release unless special circumstances (set forth later in this policy) apply. Information is considered 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. The following items have been deemed personally identifiable information by the district:

- Name of the student, the student's parents, guardian, or family members.
- The address of the student
- Personal identifiers such as a Social Security Number
- List of personal characteristics which would make the student's identity easily traceable.
- Other information which would make the student's identity easily traceable.

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.

If, upon inspection of a student's record, a parent or eligible student feels that any information contained therein is "inaccurate, misleading or in violation of the student's right of privacy," that person may request the District to amend the record. Upon a request for amendment, the District must either make the amendment or inform the parent or eligible student that a hearing is available (because of a denial to amend). After the hearing and upon the results thereof, the District again must either amend or inform the parent or eligible student of its denial of amendment in writing. If the District denies the amendment after a hearing, it shall allow the parent or eligible student to place a statement concerning the issue in the student record. That statement shall be disclosed whenever the information to which it relates is disclosed.

Any hearing under FERPA shall be held within a reasonable time after the request. The District will give the parents or eligible student reasonable notice of the date, time and place of the hearing. The parent or eligible student shall have a full and fair opportunity to present evidence and may be represented by a person of his or her choice, including an attorney. The District will make a determination on the merits of the hearing within a reasonable time and provide an answer to the parent or

1 eligible student in writing. The decision that the District arrives at will be based
2 solely upon the evidence presented at the hearing and will include a summary of that
3 evidence and reasons for the decision.
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5 B. Releasing Records
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7 If a parent or eligible student provides a specific signed and dated consent for the
8 District to release an educational record then the District may do so. The consent
9 must state to whom and for what purpose specifically identified records may be
10 released. FERPA also allows release to certain persons without consent. Included
11 among these are school officials within the District who have a legitimate educational
12 interest in the record, other specifically enumerated government officials, school
13 officials of other districts or post-secondary educational institutions where a student
14 seeks or intends to enroll, financial aid officers under specific conditions,
15 organizations that compile statistical information for the district, the district's
16 accrediting organization and a variety of others. In certain circumstances, even if
17 release without consent is lawful, a parent or eligible student must be provided notice
18 of such release.
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20 One category of information that is not necessary to be held private under the
21 terms of FERPA is directory information. This term means any information
22 contained in an education record which would not generally be considered harmful or
23 an invasion of privacy if disclosed. The following items have been designated as
24 "directory information" by the District.

- 25 • ~~Name~~
- 26 • ~~Address~~
- 27 • ~~Phone # (unless unlisted)~~
- 28 • ~~Photograph~~
- 29 • ~~Participation in co-curricular activities~~
- 30 • ~~Dates of attendance~~
- 31 • ~~Special awards and recognitions~~
- 32 • ~~Major~~
- 33 • ~~Activities and Sports~~
34
35

- **Name of student**
- **Address of student**
- **Telephone number of student**
- **E-mail address**
- **Date and place of birth**
- **Major field of study**
- **Activities and sports**
- **Weight and height**
- **Degrees, honors and awards received**
- **Dates of attendance**
- **Grade level**
- **Enrollment status**
- **Most recent previous educational agency or institution attended by student**
- **All photographs and images**
- **All photos except yearbook**

The rules stated above are for student information to which FERPA applies. Directory information is not subject to the same standards as other personally identifiable information about students. If the District wishes to disclose directory information -- that is name, address, telephone listing, etc. -- it may do so if it provides appropriate notice to parents and eligible students. The district will make every effort to provide this notice in the native tongue of the parent/guardian of record.

Notice will contain a list of the types of information included in directory information and will advise parents of the right to refuse to allow this information to be released even though it is directory information.

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.

Adoption Date	-	September 13, 1999
Revision Date	-	February 12, 2007
		To be entered
Legal Reference	-	20 U.S.C. § 1415(a)
	-	IDEA 2004
	-	34 C.F.R. § 99.1 et seq.

SW/rjf/ltn