

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.~~

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.

1 **Act (FERPA)**

2 Upon request, a parent or eligible student shall have
3 the right to inspect a student's record. No fee may be
4 charged for obtaining the record or compiling it. If the
5 parent wishes to have a copy made, the District shall charge
6 a fee of 25¢ per page for that copying. However, if the fee
7 will effectively prevent a parent from obtaining the record,
8 the Superintendent or his/her designee shall have the
9 authority to waive the fee upon demonstration of financial
10 hardship.
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12 If, upon inspection of a student's record, a parent or
13 eligible student feels that any information contained therein is
14 "inaccurate, misleading or in violation of the student's right of
15 privacy," that person may request the District to amend the
16 record. Upon a request for amendment, the District must
17 either make the amendment or inform the parent or eligible
18 student that a hearing is available (because of a denial to
19 amend). After the hearing and upon the results thereof, the
20 District again must either amend or inform the parent or
21 eligible student of its denial of amendment in writing. If the
22 District denies the amendment after a hearing, it shall allow
23 the parent or eligible student to place a statement concerning
24 the issue in the student record. That statement shall be
25 disclosed whenever the information to which it relates is
26 disclosed.
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28 Any hearing under FERPA shall be held within a
29 reasonable time after the request. The District will give the
30 parents or eligible student reasonable notice of the date, time
31 and place of the hearing. The parent or eligible student shall
32 have a full and fair opportunity to present evidence and may
33 be represented by a person of his or her choice, including an
34 attorney. The District will make a determination on the merits
35 of the hearing within a reasonable time and provide an answer
36 to the parent or eligible student in writing. The decision that
37 the District arrives at will be based solely upon the evidence
38 presented at the hearing and will include a summary of that
39 evidence and reasons for the decision.
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41 B. Releasing Records

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43 If a parent or eligible student provides a specific signed
44 and dated consent for the District to release an educational
45 record then the District may do so. The consent must state to
46 whom and for what purpose specifically identified records may
47 be released. FERPA also allows release to certain persons
48 without consent. Included among these are school officials
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2 within the District who have a legitimate educational interest
3 in the record, other specifically enumerated government
4 officials, school officials of other districts or post-secondary
5 educational institutions where a student seeks or intends to
6 enroll, financial aid officers under specific conditions,
7 organizations that compile statistical information for the
8 district, the district's accrediting organization and a variety of
9 others. In certain circumstances, even if release without
10 consent is lawful, a parent or eligible student must be
11 provided notice of such release.
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13 One category of information that is not necessary to be
14 held private under the terms of FERPA is directory
15 information. This term means any information contained in
16 an education record ~~"which would not generally be considered~~
17 ~~harmful or an invasion of privacy if disclosed."~~ **which would**
18 **not generally be considered harmful or an invasion of**
19 **privacy if disclosed.** Included in this directory information
20 are such items as name, address, telephone number, date and
21 place of birth, participation in extra-curricular activities, and
22 dates of attendance, among other items of a similar nature.
23 **The following items have been designated as "directory**
24 **information" by the District.**

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

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38 The rules stated above are for student information to
39 which FERPA applies. Directory information is not subject to
40 the same standards as other personally identifiable
41 information about students. If the District wishes to disclose
42 directory information -- that is name, address, telephone
43 listing, etc. -- it may do so if it provides appropriate notice to
44 parents and eligible students ~~in the native tongue of the~~
45

1 —parent. **The district will make every effort to provide this**
2 **notice in the native tongue of the parent/guardian of**
3 **record.**

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

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10 C. Procedures for Implementation

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

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18 Adoption Date - September 13, 1999
19 Practice -
20 Legal Reference - ~~20 U.S.C. § 1232g~~
21 ~~34 C.F.R. § 99.1 et seq.~~
22 20 U.S.C. § **1415(a)**
23 **IDEA 2004**
24 34 C.F.R. § 99.1 et seq.
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