

COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY ACT

Procedure to Inspect Education Records

The parent/guardian of a student or an eligible student may inspect the student's education records upon request. The request should be made to the Principal in writing. The Principal will contact the parent/guardian or eligible student to arrange a time and place to view the record. The appointment should be made within a reasonable time, and in no circumstance later than 45 days. The Principal will be present during the review.

Copies of records will be made available without charge to parent/guardian only as required by FERPA:

1. When refusal to provide copies effectively denies access to the records by a parent/guardian
2. At the request of the parent/guardian when the district has provided the records to third parties by the prior consent of the parent/guardian.
3. At the request of the parent/guardian when the district has forwarded the records to another school where the student seeks or intends to enroll.

The district reserves the right to charge for all other copies, such as transcripts, it forwards to potential employers or to colleges and universities for employment or admission purposes, and copies forwarded to third parties with prior consent or those provided to parents as a convenience. Fees will be for actual copying cost plus postage, if incurred.

Procedure to Seek to Correct Education Records

The parent/guardian has a right to seek to change any part of the student's record believed to be inaccurate, misleading, or in violation of student rights. The request for change should be made to the Principal.

If the Principal refuses to amend the record, parent/guardian, shall have the right to request a hearing to challenge the content of the record, and the Principal shall inform them of this right, which includes the right to representation at their own expense. The request for a hearing should be made to the Superintendent. The Superintendent shall set a time and place. The hearing shall be held within a reasonable time after the request has been received. At the hearing, the Superintendent shall have present the person(s) who entered the information in question. The person who requested the hearing shall have the right to ask questions of those present and to present evidence that would correct inaccurate, misleading, or otherwise inappropriate information. The Superintendent shall then determine whether the information in question shall be removed from the record and give a written decision within a reasonable time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. If the information is amended or removed, the Superintendent shall inform the parent/guardian in writing. If the information in question is not removed or amended, the Superintendent shall inform the parent/guardian in writing that they may place a statement in the record that shall be retained as long as the information in question is

retained and the school must disclose the statement whenever the information in question is disclosed.

If the Superintendent has a direct interest in the outcome of the hearing, another hearing officer should be assigned.

Annual Notification

Within the first three week of each school year, the District shall give written notice to all parents/guardians of students enrolled of their rights under FERPA and this policy. The notice will also be included with a packet of material provided parents/guardians when the student enrolls during the year.

The notice will include a statement that the parent/guardian has a right to:

1. Inspect and review the student’s education records.
2. A specification of the intent of the school district to limit the disclosure of personally identifiable information contained in a student’s education records:
 - a. By prior written consent of the student’s parent/guardian.
 - b. As directory information.
 - c. Under certain limited circumstances, as permitted by FERPA and the No Child Left Behind Act.
3. Request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights.
4. File a complaint with the U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations.
5. Obtain copies of this policy and the locations where copies may be obtained.

The policy applicable to the release of student directory information applies equally to military recruiters, the media, colleges and universities, and prospective employers, unless parent/guardian consent is denied.

The district shall arrange to provide translations of this notice to non-English speaking parents/guardians in their native language.

Dissemination of Records

The parent or legal guardian of a minor student shall have access to a student’s records at any time during the school day upon reasonable notice to the Principal. Absent a court order to the contrary, parents or legal guardians of a student shall have equal access to their child’s educational records.

Student records shall be made available to an outside person or agency only under the following conditions:

1. A "Release of Information" request is received by school officials duly signed by a parent or legal guardian of the student.
2. A "Request for Information" is received by school officials in the form of specific request from the court, a court order, or a subpoena duces tecum. Only information requested shall be provided and the parents and/or students shall be notified of all such orders in advance of compliance with the order.
3. A "Request for Transcript" is received by school officials from a receiving school. Only information such as grades, attendance records, and group test scores should be included. Disciplinary records involving suspensions and/or expulsions may be included. Psychological reports and health reports cannot be released without having been specified in the signed "Release of Information" request as per #1 above.
4. In instances where requests for information might come from an outside agency such as the Veterans Administration, working for the welfare of a student, the agency will file a release from a parent or guardian. In lieu of such a release, a form signed by a judge (not necessarily in the form of a subpoena) would suffice, provided the parent/guardian is notified that such a form has been received.
5. In instances where requests for information come from the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency or State educational authorities in connection with the audit and evaluation of federal programs or for the enforcement of federal legal requirements which relate to such programs, only that data which does not include information (including social security numbers) which would permit the personal identification of such students or their parents shall be released. The only exception shall be when the collections of personally identifiable data is specifically authorized by federal law.
6. Personally identifiable information in the student's records may be released to the Attorney General of the United States or his/her designee in response to an Aex parte@ order issued in connection with the investigation or persecution of terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information.
7. Information from student records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of essence in dealing with the emergency.

POLICY ADOPTED: 28 Aug 06
POLICY AMENDED: 19 Oct 09