



## THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

**FERPA** is a federal law to protect the privacy of student education records and applies to all schools receiving funds under the United States Department of Education Program.

### A) SCHOOL ANNUAL NOTIFICATION

The Southeast Polk School District must notify parents of students currently in attendance of their rights.

### B) DEFINITIONS

What are Education Records?

- They are directly related to a student.
- They are maintained by the educational agency or person acting in their behalf.
- They include medical and/or health records.

### C) DISCLOSURE

This permits access to or releases, transfer, or other communication of personally identifiable information in education records by any means, including:

- Oral communication
- Written communication
- Electronic communication
- To any party except party identifier as provider or creator of the record

NOTE: FERPA allows disclosure without written consent to the following:

- |  |                    |                     |
|--|--------------------|---------------------|
| -school administrator                                | -school supervisor | -teacher/instructor |
| -support staff                                       | -school nurse      | -law enforcement    |
| -counselor   | -psychologist      | -paraprofessional   |
| -coach   | -school board      | -contracted person  |
| -school attorney                                     | -auditor           | -medical consultant |
| -therapist   | -school volunteer  | -staff member       |
| -parent/student serving on official school committee |                    |                     |

Disclosure Exception: School officials, the agency or institution has determined to have legitimate educational interests. This is defined by the school district.

### D) IMPLEMENTATION

- The school district includes who the school officials are that may receive information without consent.
- Inform parents of rights at least annually (through publishing) on the Southeast Polk School web page.

### E) ELIGIBLE RIGHTS

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age certain rights with respect to student's education records. These rights are:

- A school official has a legitimate educational interest if official needs to review an education record in order to fulfill his or her professional responsibility.
- Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if disclosure is for purposes of student's enrollment or transfer.

NOTE: FERPA requires a school district to make a reasonable attempt to notify parent or student of records request unless it states in its annual notification that it intends to forward records on request.

## **F) QUESTIONS WITH REGARD TO THE LAW**

-Question #1-What must an educational agency or institution include in its annual notification?

Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students in attendance, of their rights under the FERPA ACT. This notice must inform parents or eligible students that they have the right to:

1-Inspect and review the student's education records

2-Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

3-Consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that the Act authorizes disclosure without consent and file with the department a complaint concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part. The notice must include all of the following:

-The procedure for exercising the right to inspect and review education records.

-The procedure for requesting amendment of records.

-If the educational agency or institution has a policy of disclosing education records under Sec. 99.31 (a) (1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate education interest.

-An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

-Question #2-Under what conditions is prior consent not required to disclose information?

1-An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by Sec. 99.30 if the disclosure meets one or more of the following conditions:

-The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.