

# **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) and RELEASE OF DIRECTORY INFORMATION**

10/12/09

## **A.**

### **INTRODUCTION**

This policy is designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA), and the Agar-Blunt-Onida School District #58-3 is committed to implementing the policy and following its procedures.

Should a parent of a student, an eligible student, or a citizen of the Agar-Blunt-Onida School District #58-3 believe that the district is violating the FERPA, that person has a right to file a complaint with the Department of Health, Education, and Welfare.

### **Annual Notification**

Within the first three weeks of each school year the Agar-Blunt-Onida School District will publish in the official newspaper a notice to parents and eligible students of their rights under FERPA and this policy. The District will also send home with each student a bulletin listing these rights (handbook) as well as a packet of materials provided to the parent or eligible student when that student enrolls during the school year. The form of the Notice is as follows:

Dear Parent and Student:

State and federal law gives parents (and students over 18 years of age) certain rights concerning the student's education records. These rights are listed below.

1. You have a right to look at your school records. To look at your records you should give the principal a written request listing the records that you want to see. The principal must notify you of the time and place when and where the records may be inspected and allow you to see the records within 45 days of receiving your request.
2. You have a right to request changes in your school records if you believe the records are inaccurate, misleading, or that they violate your privacy rights under FERPA. If you want to change your records you should tell the principal in writing what you want changed and why you think it ought to be changed. If the principal agrees with you, your records will be changed. If the principal disagrees with you, you may request a hearing. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. You have the right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent. You have the right to let other people see your school records; however, the law allows some people to see your records without your consent. For example, a school district official with a legitimate educational interest may see your records if they need information in the records to do their job. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. 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 the disclosure is for purposes of the student's enrollment or transfer.

4. You have a right to file a complaint with the U.S. Department of Education if you believe the school has violated any of your rights with respect to school records. If you have a complaint, send it in writing to:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-8520

Some of the information in your school records is not confidential and may be released without your prior consent. This information is known as "directory information".

"Directory information" includes the following:

1. The student's full legal name.
2. The student's weight, height and grade if a member of an athletic team.
3. Academic work intended for public display.
4. Photographic and electronic images recorded in public areas of the school as well as on District vehicles and grounds. This includes candid photographs chosen for use in public documents such as the annual yearbook or district website.

If you do not want **directory information** released, you must inform the principal in writing what directory information you do not want released. That written notice to the principal must be received no later than 14 days of receiving this annual notice. Your request will be in effect for the entire school year after being received by the District.

Military recruiters and South Dakota public institutions of higher education are entitled under federal and state law to a list of names, addresses, and telephone numbers of high school students. Provision of this information to the military and South Dakota Board of Regents does not broaden the District's definition of Directory Information.

Both parents have a right to see the school records of their child unless there is a certified copy of a court order on file at the school that specifically denies the right to access to school records to a parent. Copies of school records are available for a minimal charge.

If you have any questions about these rights, please contact the school administration.

The District will arrange to provide translations of this notice to Non-English speaking parents in their native language.