

Notification of Rights under FERPA for Elementary and Secondary Institutions

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that affords parents and “eligible students” over 18 years of age certain rights with respect to their child’s education records. They are:

The right to inspect and review the child’s education records within 45 days from the day the school district receives a request for access.

Parents or eligible students must submit a written request to the school principal or appropriate school official that identifies the record(s) they wish to inspect. This school administrator will make arrangements for access to the education records and will notify the parent or eligible student of the time and place where these records may be inspected.

The right to request correction of the child’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the child’s privacy rights.

Parents or eligible students may ask the school district to amend a record they believe is inaccurate, misleading, or otherwise in violation of the child’s privacy rights. They must submit a written request to the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading or otherwise in violation of the child’s privacy rights. If the school district decides not to make changes in the record as requested, the school district must notify the parent or eligible student of the decision and advise them of their right to a formal hearing regarding the request for correction. Additional information about hearing procedures will be provided to the parent or eligible student at the time of this notification.

The right to consent to disclosures of personally identifiable information contained in the child’s education records, except to the extent that FERPA authorizes disclosure without consent (34 CFR § 99.31). School officials with legitimate educational interests are permitted disclosure without consent. A school official is a person employed by the school district 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 district has contracted to perform a special task, such as an attorney, auditor, medical consultant or therapist, or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if that official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to state in its annual notification that it intends to forward records on request.) School districts may disclose, without consent, “directory” information; however, school districts must inform parents and eligible students about directory information, allowing them a reasonable amount of time to request that the school not disclose directory information about that child. School districts must notify parents and eligible students annually of their rights under FERPA by means of a special letter, inclusion in a Parent/Teacher Association (PTA) bulletin, student handbook, and/or other means left to the discretion of each school district.

The right to file a complaint with United States Department of Education concerning alleged failures by the school district to comply with requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, United States Department of Education, 400 Maryland Avenue, SW, Washington, D.C.

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