

# ***ANNUAL FERPA NOTIFICATION***

The Family Educational Rights and Privacy Act (FERPA) affords parents and students certain rights with respect to educational records.

## **DISCLOSURE OF RECORDS**

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.<sup>1</sup>

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following without written parental consent:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.
- School officials (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

Contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions may access student records provided they are:

- Under the District's direct control with respect to the use and maintenance of education records; and

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

#### **STUDENTS WITH DISABILITIES**

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

#### **RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

#### **JUVENILE COURT RECORDS**

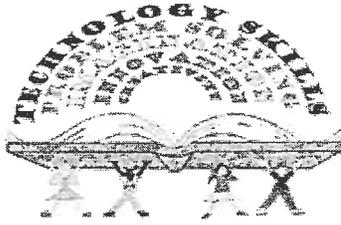
Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.<sup>2</sup>

#### **RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet. —

#### **COURT ORDER/SUBPOENA**

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If the District receives such orders, the matter(s) may be referred to local counsel for advice.



## Cumberland County Board of Education

*"SUCCESS: Every Student Every Day."*

810 North Main Street - Burkesville, Kentucky 42717  
Phone 270-864-3377 - Fax 270-864-5803

Dr. Kirk Biggerstaff, Superintendent

Dear Parents:

As part of the Cumberland County School District's commitment to preparing students to succeed for life, our schools have always recognized the importance of ensuring the physical, emotional and social well-being of the students entrusted to our care.

The Kentucky Legislature passed HB 51\*, which requires public schools in Kentucky to provide information on suicide prevention to all middle and high school students. The legislature also passed SB 65\*, requiring all public school administrators and staff to complete two hours of suicide prevention training each year.

Cumberland County Schools know the value of student health as an important element of receiving a quality education. As part of our commitment to emotional and behavioral well-being, we utilize our guidance counselors, family resource and youth services center (FRYSC) coordinator, Adanta school therapist, teachers and administrators to be available to meet the needs of our students and families.

To continue this work and meet the requirements of HB51 and SB65, we will be providing students with information designed to help them recognize signs of depression and suicide in themselves and others. It also teaches students how to take appropriate action to get a trusted adult involved to help. Please review the information your children bring home, or call his/her school for a copy.

Thank you for your continued partnership as our schools and homes work together to benefit our children. If you have questions or concerns, please contact me at the district office at 270-864-3377, your child's guidance counselor at CCHS (270-864-3451) Or CCMS (270-864-5818).

Sincerely,

Dr. Kirk Biggerstaff  
Superintendent

**\*HB 51 - Suicide Prevention Information for Middle and High School Students Signed by Governor March 4, 2010**  
<http://www.lrc.ky.gov/record/10RS/HB51.htm> Amends KRS 156.095 to require the Cabinet for Health and Family Services to post suicide prevention awareness and training information on its Web page by August 1, 2010; require every public middle and high school administrator to disseminate suicide prevention awareness information to all middle and high school students by September 1, 2010, and September 1 of each year thereafter.

**\*SB 65 - Suicide Prevention Education for Middle and High School Staff Signed by Governor April 13, 2010**  
<http://www.lrc.ky.gov/record/10RS/SB65.htm> Amends KRS 158.070 to require all high school and middle school principals, guidance counselors, and teachers to complete a minimum of two hours of self-study review of suicide prevention materials each school year. Also amends KRS 161.011 to permit suicide prevention training for classified employees.