

Records

DISCLOSURE OF DIRECTORY INFORMATION

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Disclosure of Directory Information

What is Required

Under the Family Educational Rights and Privacy Act (“FERPA”), directory information is information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to:

- The student’s name;
- Address;
- Telephone listing;
- E-mail address;
- Photograph;
- Date and place of birth;
- Major field of study;
- Grade level;
- Enrollment status;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received;
- The most recent educational agency or institution attended; and
- Student identification (“ID”) number, user ID, or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records, except when used in conjunction with one or more factors that authenticate the user’s identity, including the personal ID number, password, or other factor known or possessed only by the authorized user.

The District may designate any or all information defined as directory information under

FERPA to be directory information for disclosure purposes.

Notice of Directory Information for Charter Schools [DELETE IF NOT A CHARTER]

The Charter School may disclose a student's directory information if it has given written public notice to parents of students in attendance and eligible students in attendance at the Charter School that such information may be disclosed. The provided notice must identify the types of personally identifiable information that the Charter School has designated as directory information. It must also contain notice to parents or eligible students of the parent's/eligible student's right to refuse to let the Charter School disclose such information about the student designated as directory information. Finally, the notice must specify the period of time within which a parent or eligible student must notify the Charter School in writing that he or she does not want the student's directory information to be disclosed.

Notice of Directory Information for School Districts [DELETE IF A CHARTER]

The District may disclose directory information if it has given written public notice to parents and eligible students in attendance at the District. The notice must be provided at the beginning of each school year or upon enrollment of the student after the beginning of the school year. Further, the notice must contain the following information:

- An explanation of the FERPA provisions relating to the release of directory information about the student;
- Notice of the right of the parent or eligible student to object to the release of directory information about the student under FERPA;
- A statement in boldface type that is 14 point or larger stating:
 - **“Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want [insert full name of the District] to disclose directory information from your child's education records without your prior written consent, you may notify the District in writing by [insert date]. [Insert full name of the District] has designated the following information as directory information: [Include any directory information the District chooses to designate as directory information for the District, such as a student's name, address, telephone listing, e-mail address, photograph, degrees, honors and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent educational institution attended, and participation in officially recognized activities and sports, and the weight and height**

of members of athletic teams.]”

- A statement that federal law requires school districts receiving assistance under the Elementary and Secondary Education Act (“ESEA”) to provide a military recruiter or an institution of higher education, on request, with the name, address, and telephone number of a secondary student, unless the parent or eligible student has advised the District that the parent or eligible student does not want the student’s information disclosed without prior written consent;
- A form, such as a check-off list or similar mechanism, that immediately follows the required notice written on the same page or the next page and allows a parent or eligible student to indicate:
 - The parent’s or eligible student’s objection to the release of all directory information, or one or more specific categories of directory information (if District policy permits the parent to object to one or more specific categories);
 - The parent’s or eligible student’s objection to the release of a secondary student’s name, address, and telephone number to a military recruiter or institution of higher education; and
 - The parent’s or eligible student’s consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if the purpose has been designated by the District and is specifically identified (e.g., for a student directory, student yearbook, or district publication).

Public Information

Directory information under FERPA that is not designated by the District as directory information for the District is excepted from disclosure by the District. Thus, the District may not release such information under the Public Information Act, Chapter 552 of the Texas Government Code (“PIA”). Additionally, when a parent or eligible student provides consent for the District to use directory information only for a limited school-sponsored purpose (if the District has designated any such purpose), the information will remain otherwise confidential and may not be released under the PIA.

Former Students

The District may disclose directory information about former students without complying with the public notice and opt out conditions. However, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance, unless the student rescinds the opt out request.

Definitions

“Eligible student” is a student who has reached 18 years of age or is attending an institution of postsecondary education.

“Education records” are those records that are directly related to the student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Additional Procedures

Primary Purpose of Directory Information

In the notice to the parent or eligible student, the District should explain that the primary purpose of directory information is to allow the District to include information from the student’s education records in certain school publications. Examples of school publications where directory information may be published include a playbill for a drama production, the annual yearbook, an honor roll or other recognition lists, graduation programs, and sports activity sheets (such as wrestling, showing weight and height of team members).

Exceptions from Directory Information

The Department of Education has consistently advised that the District may not include Social Security numbers and other student identifiers as directory information where disclosure of such information would generally be considered an invasion of privacy. As such, a student’s social security number and driver’s license number will not be designated as directory information and should be kept confidential. Additionally, categories of information, such as race and ethnicity, will not be designated as directory information.

Notice of Directory Information

In its notice of directory information, the District may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If it does so, the District must limit its directory information disclosures to those specified in the notice.

However, a parent or eligible student may not use the notice provisions to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student’s name, identifier, or institutional email address in a class. Likewise, the parent may not use this provision to prevent a district from requiring a student to wear, display publicly, or disclose a student ID card or badge that exhibits information allowable as directory information that that has been properly designated by the district as such.

Former Students

The District is not required to inform former students or the parents of former students regarding directory information. Likewise, the District is not required to honor a request from a former student or parent that directory information not be disclosed without consent. However, if a parent or eligible student, within the specified time period during the student's last opportunity as a student in attendance, requested that directory information not be disclosed, the District must honor that request until otherwise notified. Therefore, the District may disclose directory information about former students to third parties without meeting the FERPA notice requirements.

Homeless Students

Information about a homeless student's living situation, including the address of the student if they are living in temporary housing, shall be treated as a student education record and shall not be deemed to be directory information.

Students with Disabilities

While FERPA allows the District to disclose personally identifiable information that has been designated as directory information without prior consent, this exception may not always apply to disclosures involving the personally identifiable information of students with disabilities. Thus, the District may not release the directory information of a student if such information would reveal the student's health, special education status or disability without the written consent of the parent.

Disclosure and Redisclosure of Directory Information

The District may disclose information that is properly designated by the District as directory information to any party—including officials of the Texas Education Agency—and may be further shared or redisclosed to additional parties. See [REDISCLOSURE OF INFORMATION]. Examples of additional parties that the District may disclose directory information to includes institutions that are not required to admit students, including private or out-of-state universities or trade schools.

TEA and Directory Information

The Texas Education Agency does not collect directory information from Districts and cannot verify which parents or eligible students have advised the District that the parent or eligible student does not want directory information disclosed. Therefore, if TEA wishes to redisclose information it collects from the District, the District should provide directory information to TEA on only those students whose parents have not opted out of directory information.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- Determination of What Constitutes Directory Information
- FERPA Notice for Directory Information
- Appropriate Disclosure of Directory Information
- List of Types and Locations of Education Records
- Record Request Form
- Consent for Disclosure of Information
- **[DISTRICT FORMS]**

Resources

[The Legal Framework for the Child-Centered Special Education Process: Disclosure of Directory Information - Region 18](#)

[OSEP Letter to Feuchtenberger \(Feb. 2, 2006\) - U.S. Department of Education](#)

[OSEP Letter to Elder \(Feb. 11, 2004\) - U.S. Department of Education](#)

[FERPA Frequently Asked Questions - U.S. Department of Education](#)

[Directory Information - U.S. Department of Education](#)

[FERPA Model Notice for Directory Information - U.S. Department of Education](#)

[Letter to Texas Education Agency Regarding Directory Information \(Jan. 2001\) - U.S. Department of Education](#)

[FERPA & Coronavirus Disease 2019 \(COVID-19\) Frequently Asked Questions \(March 2020\) - U.S. Department of Education](#)

[Notice to Superintendents - U.S. Department of Education](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Board Policy FL; 42 USC 11432(g)(3)(G); 34 CFR 99.3, 99.37; Texas Education Code 26.013; Texas Government Code Chapter 552