FERPA Annual Notice

Ortonville School District's
Notification of Rights under FERPA for Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Ortonville receives a request for access.
   Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they want to review. The school official will make access arrangements and notify the parent or eligible student when and where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise violating the student's privacy rights under FERPA.
   Parents or eligible students who wish to ask the Ortonville District to amend their child's or their education record should write to the school principal, identify the part of the record they want to be changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
   One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law

enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing their tasks. A school official typically has a legitimate educational interest if they need to review an education record to fulfill their professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or 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.

Parents have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the Ortonville School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Directory Information

Directory information is information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if released. In compliance with FERPA regulation § 99.37, this serves as the annual public notice to parents or eligible students (i.e., students eighteen (18) years of age or older) of the Districts' definition of directory information, the parent/eligible student's right to refuse the release of student directory information and an indication of the time period for their response. Following such public notice and a reasonable response period, RCCSD may release such information without individual consent.

The primary purpose of directory information is to allow RCCSD to include this information from the student's education records in certain school publications. Examples include:

- A playbill showing a student's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation program
- Sports programs, such as wrestling, showing the weight and height of team members

RCCSD may also release Directory Information to outside organizations that include, but are not limited to, companies that manufacture class rings or publish yearbooks.

RCCSD may occasionally disclose certain directory information to the local news media (websites, newspapers, television, radio) for articles.

RCCSD has designated the following information as directory information (per RCCSD Policy 7241):

1. Name;
2. Address;
3. Telephone listing;
4. Date and place of birth;
5. Major course of study;
6. Grade level;
7. Participation in officially recognized activities and sports;

8. Weight and height (if a member of an athletic team);
9. Honors, degrees and awards received;
10. Most recent school attended;

Parents/Guardians of students under age 18 OR students 18 years of age or older who do not wish to have some or all of the directory information described above to be released without prior consent must complete the Red Creek Central Schools Directory and Recruitment Information Opt-Out form located on the Data Privacy and Security page of the District's website. Forms should be returned to the Principal at the student's school of enrollment by September 1st. Request for Opt-Out is valid on the date received by school officials. Data submissions collected before Opt-Out submissions may include student directory information. Parents/Guardian OR students 18 or older should submit Opt-Out each year of enrollment in secondary school.

NOTE: Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from:

1. Disclosing or requiring a student to disclose the student's name, identifier, or school email address (if any) in a class in which the student is enrolled; or
2. Requiring a student to wear or present a student identification card or a badge that displays information that may be directory information.

Student information provided to military recruiters or institutions of higher education.

Under the Every Student Succeeds Act (ESSA), upon request of a military recruiter or institution of higher education, each local educational agency (LEA) receiving assistance shall provide access to the name, address, and telephone listing of each secondary student served by the LEA, unless the parent has submitted a prior written request that the listing not be released. LEAs must notify parents of this option. 20 U.S.C. § 7908. The Every Student Succeeds Act (ESSA) requires notification to parents of their rights to opt out of sharing directory information with institutions of higher education or military recruiters.

Section 8025 of the Every Student Succeeds Act (ESSA) requires school districts that receive funds to perform the following actions:

1. Provide the name, address, and telephone number of every student in secondary school served by the district unless a parent requested in writing to be excluded from the release.

2. The district must provide an opt-out process by which a parent or the student (if they have attained 18 years of age) may provide a written request that the information not be released without written permission from the parent.
3. The district must inform parents or the student (if they have attained 18 years of age) of their right to opt-out.
4. The district must provide the same access to military recruiters that is provided to colleges and universities.

For more information, reference the ESSA Student Recruiting Information webpage. ESSA § 8025 (a)(1) and SEC. 8025 (a)(2)(A).

Parents/Guardians of students under age 18 OR students 18 years of age or older who wish to request the student's name, address, telephone listing, and/or other directory information withheld from release as directory information and recruitment purposes should complete the Red Creek Central School District Directory and Recruitment Information Opt-Out form located on the Data Privacy page of the District's website. Additionally, paper opt-out forms are available at the main office of all district schools. Request for Opt-Out is valid on the date received by school officials. Data submissions collected before the Opt-Out submission may include student directory information. Parents/Guardian OR students 18 or older should submit Opt-Out each year of enrollment in secondary school.

FERPA disclosures without the need for consent

FERPA permits the disclosure of PII from students' education records without the consent of the parent or eligible student if the disclosure meets certain conditions in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining the prior written consent of the parents or the eligible student –

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(*1*) - (a)(1)(i)(B)(*3*) are met. (§ 99.31(a)(1))

To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs or for the enforcement of or compliance with Federal legal requirements related to those programs. These entities may make further disclosures of PII to outside entities that they designate as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))

To organizations conducting studies for, or on behalf of, the school in order to:(a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))

To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))