

RSU #63

- a. **NEPN/NSBA Code:** JRA-E
- b. **Title:** Student Educational Records & Information-Notification of Rights under FERPA
- c. **Author:** Policy Committee
- d. **Replaces Policy:**
- e. **Date Approved:** 01/25/2016 RSU 63
- f. **Previously Approved:** 06/05/2003
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Director of Curriculum & Instruction, Director of Special Services & Policy Committee
- i. **Date Reviewed:** 01/04/2016 Director of Curriculum & Instruction
01/04/2016 Director of Special Services
01/04/2016 Policy Committee
- j. **References:** 20 USC § 1232g; 34 C.F.R. Part 99 U.S.C. §7908
20-A M.R.S.A. § 1251, 6001, 6001-B
Me. Dept. of Ed. Rules, Ch. 101, 125
Maine State Archives, Rules for Disposition of Local Governmental Records (Schedule L)
Cross Referenced Policies: JRA-Student Education Records & Information. JRA-R Student Education Records & Information-Administrative Procedures
- k. **Narrative:**

The Family Educational Rights and Privacy Act (“FERPA”) provides certain rights to parents/guardians and eligible students (18 years of age or older) with respect to the student’s education records.

I. Inspection of Records

Parents/guardians/eligible students may inspect and review the student’s education records within 45 days of making a request. Such requests must be submitted in writing to the Superintendent, building administrator, or Director of Special Services and must identify the record(s) to be inspected. The Superintendent, building administrator, or Director of Special Services will notify the parent/eligible student of the time and place where the record(s) may be inspected.

II. Amendment of Records

Parents/guardians/eligible students may ask RSU 63 to amend education records they believe are inaccurate, misleading, or in violation of the student’s right to privacy. Such requests must be submitted in writing to the Superintendent, building administrator, or Director of Special Services and must clearly identify the part of the record they want changed, specifying why it is inaccurate or misleading. If the Superintendent, building administrator, or Director of Special Services decides not to amend the record as requested,

the parent/guardian/eligible student will be notified of the decision within thirty (30) days along with their right to request a hearing, and information about the hearing procedure.

III. Disclosure of Records

RSU 63 must obtain a parent/guardian/eligible student's written consent prior to disclosure of personally identifiable information in education records except in circumstances as permitted by law.

A. Directory Information

RSU 63 designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received.

Parents/guardian/eligible students who do not want RSU 63 to disclose directory information must notify the Superintendent in writing by August 15 or within thirty (30) days of enrollment, whichever is later.

B. School Officials with Legitimate Educational Interests

Education records may be disclosed to school officials with a "legitimate educational interest." A school official has a legitimate educational interest if he or she needs to review an education record in order to fulfill his or her professional responsibility.

School officials include persons employed by RSU 63 as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); members of the Board of Education; persons or companies with whom RSU 63 has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, or therapists); and parents/guardians, students, and volunteers serving on an official committee (such as a disciplinary or grievance committee) or assisting a school official in performing his or her professional responsibilities.

C. Other School Units

As required by Maine Law, RSU 63 sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records, and health records (except for confidential health records for which consent for dissemination has not been obtained).

D. Health or Safety Emergencies

In accordance with federal regulations, RSU 63 may disclose education records without prior written consent in a health and safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

E. Other Entities/Individuals

Education records may be disclosed to other entities and individuals as specifically permitted by law. Parents/guardians/eligible students may obtain information about other exceptions to the written consent requirement by request to the Superintendent or building administrator.

IV. Complaints Regarding School Department Compliance with FERPA

Parents/guardians/eligible students who believe that RSU 63 has not complied with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education. The office that administers FERPA is:

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