



BEAUFORT COUNTY SCHOOL DISTRICT

BCSD Notification of Rights under FERPA

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

- 1. The right to inspect and review the student's education records within 45 calendar days after the day the BCSD school ("school") 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 wish to inspect. The school principal will make arrangements for access and notify the parent or eligible student of the time and place 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 in violation of the student's privacy rights under FERPA.**

Parents or eligible students who wish to ask the school to amend their child's or their education record should write to the school principal, clearly identify the part of the record they want 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. If, as a result of the hearing, a school decides not to amend the education records, then the parent has the right to insert a statement in the record commenting on the contested information or stating why the parent disagrees with the decision, or both. That statement must remain with the contested part of the education record for as long as the record is maintained and be included whenever the contested part is disclosed.

While a parent has the right to seek to amend non-substantive factual errors in the student's education records, the right is not unlimited, and a school is not required by FERPA to afford a parent the right to seek to change substantive decisions made by school officials, such as substantive decisions made in the context of grades given to a student based on their performance, other evaluations of the student's performance, or disciplinary decisions.

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. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. BCSD defines a school official with legitimate educational interests as a person employed by the respective school or BCSD 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 Beaufort County Board of Education. 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 his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school may disclose 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. The school or school district shall make a reasonable attempt to notify the parent or student of the records request. Additionally, upon request initiated by the parent or eligible student, the school shall disclose education records for purposes of the student's enrollment or transfer.

4. Parents who believe that their FERPA rights may have been violated may file a complaint with the Student Privacy Policy Office (SPPO) at <https://studentprivacy.ed.gov/file-a-complaint>. SPPO will review the complaint to ensure the complaint:

- Is filed in writing, by a parent who maintains FERPA rights over the education records that are the subject of the complaint;
- Is submitted to SPPO within 180 days of the date of the alleged violation or of the date that the parent knew or reasonably should have known of the alleged violation; and
- Contains specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred.

SPPO will then make a case-by case determination to determine the best mechanism for resolving the underlying situation. Sometimes the action will be a formal investigation; for other complaints, consistent with the statute and applicable regulations, we will take

other appropriate actions, such as acting as an intermediary or providing resolution assistance. More information regarding our complaint process is available at <https://studentprivacy.ed.gov/file-a-complaint>.

ADDITIONAL INFORMATION

For more information regarding FERPA and other student privacy issues, please visit our website at <https://studentprivacy.ed.gov>.

If you have questions about FERPA that are not addressed here, you may also submit a question through our website at <https://studentprivacy.ed.gov/contact> or write to SPPO for additional guidance at the following address:

**Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520**

DIRECTORY INFORMATION PUBLIC NOTICE

FERPA allows student information that would not generally be considered harmful or an invasion of privacy to be disclosed. FERPA refers to this as “directory information.” BCSD defines directory information as a student’s: name, address, photographs including electronic images (as related to school or BCSD sponsored events, activities and special recognitions), participation in officially recognized activities and sports, weights and heights of members of athletic teams, diploma or certificate and awards received, and other similar information. Parents have the right to “opt out” of having their student’s information included in directory information.

The primary purpose of directory information is to allow BCSD to include this type of information in certain school and BCSD publications as a way to recognize students and promote their achievements. These publications include, but are not limited to, the annual yearbook, school/district newsletters, programs for school events, honor rolls or other recognition lists, school or BCSD website/social media, news releases, etc. The BCSD shall not release directory information to any person or agency for commercial use.

Federal laws require schools to provide military recruiters and/or institutions of higher education, upon request, with three directory information categories: names, addresses, and telephone listings - unless parents have advised the school that they do not want their student’s information disclosed.

If parents want to restrict the release of their student’s information, they need to send written notification to the BCSD Director of Communications. A sample opt-out letter is on the BCSD website. The notification should be sent to: BCSD Director of Communications Dr. Candace Bruder, Beaufort County School District, Post Officer Drawer 309, 2900 Mink Point Blvd., Beaufort, SC 29901-0309.

DISCLOSURE OF EDUCATION RECORDS WITHOUT CONSENT

FERPA permits the disclosure of PII from students’ education records, without consent of the

parent or eligible student, if the disclosure meets certain conditions found 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 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 that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them 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))