

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 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 Avon Grove School District ("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 building principal a written request that identifies the records they wish to inspect. The school official 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 the building 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.

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. A school official with a legitimate interest to know is defined by Board Policy 216 as: "Any employee, officer, agent, consultant, or contractor of, or any volunteer acting on behalf of:

1. The district;
2. The Intermediate Unit;
3. A vocational technical school; or
4. Any public or private school or facility that the district is using or is proposing to use to provide elementary or secondary education to the student in place of a public school, who is or will be responsible for providing or supervising the provision of education,

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education-related services, or extracurricular activities or experiences to or for the student, when:

- i. Particular information concerning that student is presently or potentially relevant to the design or provision of instruction or other education, education-related services, testing or assessments, behavior interventions and strategies, or extracurricular activities or experiences either to the student, to particular groups of students, or to whole schools, grade-levels, or the student population of the district at large, regardless of whether the student is part of the group or population that will be effected; or
- ii. Such information is necessary to protect the health, safety, or welfare of the student or others with whom the student might have direct or indirect contact.

The phrase also applies to clerical staff of the agencies enumerated above who are responsible for the maintenance and security of education records and to attorneys, consultants, and school board members when school board action concerning the student is required by law or when the education or treatment of the student is the subject of present or potential litigation or legal dispute. When the “school official with a legitimate educational interests” is not an employee of the district, such individual may receive “personally identifiable information” only when he or she is under the direct control of the district, by contract or otherwise, with respect to the use and maintenance of education records in his or her possession and only when such individual is prohibited from redisclosure of such information to any other party without written parent or eligible student consent.”

Another exception permits the school district, upon request to 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.

Additional exceptions are included in Board Policy 216, and the law and its regulations.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School 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