

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 District 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 registrar or District student records custodian 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 District to amend their child's or their education record should write the school registrar or District student records custodian, clearly identify the part of the record they want changed, and specify why it should be changed. If the District 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 is an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities: (1) An individual employed by the District in an administrative, instructional, or support staff position; (2) School board members; or (3) Contractors, consultants, volunteers, service providers, or other party with whom the District has outsourced institutional services or functions for which the District would otherwise use employees; records provided to these third parties must remain directly under the District's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, statewide student information systems, learning management software, transportation tracking software, and district alert systems.

Upon request, the District 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.

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

Disclosures of Personally Identifiable Information 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 –

1. 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)(I) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
2. 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))
3. 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)
4. 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))
5. 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))
6. 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))
7. To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
9. To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
10. To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
11. Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
12. 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))
13. 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))

NOTICE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), requires that **Fargo Public School District (“District”)** with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school and/or District publications. Examples include:

- a. A playbill, showing your student's role in a drama production;
- b. The annual yearbook;
- c. Honor roll or other recognition lists;
- d. Graduation programs; and
- e. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include universities, colleges, government organizations, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (“ESEA”) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by completing the Parent Release Form in the Student Information System by the first day of school. The District has designated the following information as directory information: 1) student's name (first and last); 2) address; 3) date of birth; 4) dates of attendance; 5) degrees, honors, and awards received; 6) electronic personal identifier; 7) grade level; 8) most recent school attended; 9) participation in officially recognized activities and sports; 10) photograph; 11) school email address; 12) telephone listing; and 13) weight and height of members of athletic teams. This information may be publicly released unless parents or eligible students inform the District otherwise.