SALEM•KEIZER PUBLIC SCHOOLS

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Notification of Rights under FERPA for Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents, legal guardians, those granted with education rights 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 Salem-Keizer Public Schools 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 [or appropriate school official] 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 Salem-Keizer Public Schools to amend their child's or their education record should write the school principal [or appropriate school official], 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 (Release of Information (ROI)) 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 typically 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 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.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Salem-Keizer Public Schools 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

See the list below of the disclosures that elementary and secondary schools may make 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 Section 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, Section 99.32 of the FERPA regulations requires the school to record the disclosure. Parents, guardians, those granted educational rights, 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 Section 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (Section 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 Section 99.34. (Section 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 Section 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. (Section 99.31(a)(3) and Section 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. (Section 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 Section 99.38. (Section 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. (Section 99.31(a)(6))

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

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

- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (Section 99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to Section 99.36. (Section 99.31(a)(10))

- Information the school has designated as "directory information" if applicable requirements under Section 99.37 are met. (Section 99.31(a)(11)) (INS-A011, Student Education Records and Information)

- 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. Section 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. Section 1232g(b)(1)(K))

To learn more about FERPA, please refer to the FERPA Guide for Parents or FERPA Guide for Students.

Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Salem-Keizer Public Schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Salem-Keizer Public Schools may disclose appropriately designated "directory information" without written consent, unless you have advised Salem-Keizer Public Schools to the contrary in accordance with Salem-Keizer Public Schools procedures. The primary purpose of directory information is to allow Salem-Keizer Public Schools to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- 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, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. Section 503(c).]

If you do not want Salem-Keizer Public Schools to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify Salem-Keizer Public Schools in writing or in your student's annual Online Registration/ParentVUE Account (Enrollment and Registration). Salem-Keizer Public Schools has designated the following information as directory information (INS-A011):

- Student's name
- Photograph or audiovisual tape
- Major field of study
- Participation in district activities
- Weight and height of athletic team members
- Dates of attendance in district schools
- Degrees and awards received