Family Educational Rights and Privacy Act (FERPA) Notification of Rights

FERPA affords parents, legal guardians, and students who are 18 years of age or older or who attend a school beyond the high school level ("eligible students") certain rights with respect to the student's education records.

FERPA Rights

1. The right to inspect and review the student's education records within a reasonable time period after Poudre School District (PSD) receives a request for access, not to exceed 45 days.
2. The right to request amendment of education records they believe are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to refuse to permit the designation or disclosure of any or all categories of directory information.
5. The right to refuse the disclosure of information to military recruiting officers as permitted by law.
6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by PSD to comply with FERPA.

Procedure to Inspect and Review

Parents or eligible students who wish to inspect education records should submit a written request that identifies the record or records they wish to inspect. Requests may be submitted to the student's school, the school principal, or PSD's Records Department.

PSD will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Records may be reviewed in the presence of the principal, the Records Manager, or designee. Original education records may not be removed from PSD or school buildings.

Procedure to Request Amendment of Records

Parents or eligible students who believe an education record is inaccurate, misleading, or otherwise violates the student's privacy rights may submit a written request for amendment to the school principal or other appropriate PSD official. The request should clearly identify the part of the record the parent or eligible student wants to change and explain why it should be changed.

If PSD decides not to amend the record as requested, PSD will notify the parent or eligible student of the decision and advise them of the right to a hearing. Additional information about hearing procedures will be provided when the parent or eligible student is notified of the right to a hearing.

If, after the hearing, the district determines that the record should not be amended, the parent or eligible student may place a written statement in the record commenting on the contested information or stating why they disagree with the decision. The statement will be maintained with the contested record and disclosed whenever the contested portion of the record is disclosed. More information regarding amending a record can be found at: https://studentprivacy.ed.gov/amending-record/

Disclosure of Personally Identifiable Information

PSD will obtain written consent before disclosing personally identifiable information from a student's education records, unless FERPA, Colorado law, or PSD Policy JRA/JRC authorizes disclosure without consent. Written consent must identify the records to be disclosed, state the purpose of the disclosure, and identify the party to whom disclosure may be made.

School Officials with Legitimate Educational Interests

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official may include a person employed by PSD as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the Board of Education; an approved volunteer; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a person or company with whom PSD has contracted to perform an institutional service or function, such as an attorney, auditor, medical consultant, therapist, or technology service provider, when the person or company is under PSD's direct control regarding the use and maintenance of personally identifiable information.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill professional responsibilities or official duties.

Other Disclosures Permitted Without Prior Consent

PSD may disclose education records without consent to officials of another school, school system, or postsecondary institution in which a student seeks or intends to enroll, or is already enrolled, when the disclosure is for purposes related to the student's enrollment or transfer. PSD may also disclose information without consent as otherwise authorized by FERPA, Colorado law, or PSD Policy JRA/JRC, including in connection with a health or safety emergency when knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Directory Information

PSD may designate certain information as "directory information" and disclose it without prior written consent unless the parent or eligible student objects in writing no later than September 1 (or the next school day thereafter if September 1 is a Saturday, Sunday or legal holiday), or no more than two weeks after enrollment (or the next school day thereafter if the date two weeks after enrollment is a Saturday, Sunday or legal holiday), if the student is enrolled after the first day of the school year. Directory information includes, but is not limited to, the student's name, photograph, audio and/or video recordings, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, honors and awards received, and the most recent educational agency or institution attended. The District may disclose directory information without written consent of the parent/guardian or eligible student; however, student telephone numbers and addresses will not be disclosed without the express written permission of the parent/guardian.

Military Recruiter Information

For secondary school students, names, addresses, telephone listings, and other directory information may be released to military recruiting officers as required by law, unless a parent or eligible student submits the annual Military Opt Out form to the school by the second Friday of September, requesting that this information not be released.

Complaints

Complaints regarding student education records may be directed to the student's school or PSD's Records Department. Parents and eligible students may also file a complaint with the federal office that administers FERPA:

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