

SMYRNA SCHOOL DISTRICT

PROCEDURE

Section:	5000 Students	Office Responsible:	Superintendent
Procedure:	5106R Privacy Rights of Students		
Related Policies:	5106 Privacy Rights of Students		

I. Purpose

The purpose of the Privacy Rights of Students procedure is to establish a clear, consistent, and legally compliant process for protecting the privacy of student education records and for ensuring that parents and eligible students can exercise their right under FERPA. This procedure provides staff with the steps, responsibilities, documentation, and timelines necessary to respond appropriately to requests for access to, amendment of, or disclosure of student education records.

II. Legal Authority

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
34 C.F.R. Part 99
14 Del. C. § 4111
14 DE Admin. Code § 251
Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
Applicable Delaware student data privacy laws and regulations

III. Procedures

A. General Student Records

All employees, contractors, volunteers, and other individuals acting on behalf of the Smyrna School District shall:

1. Access student education records only when there is a legitimate educational interest or other legal authorization.
2. Access only the information reasonably necessary to perform assigned duties.
3. Protect student information from unauthorized access, use, disclosure, alteration, or destruction.
4. Verify authorization before providing student information to a parent, eligible student, or other individual when appropriate.
5. Use district-approved systems and safeguards when transmitting, storing, discussing, or disposing of student information.
6. Direct questions or concerns regarding student privacy to the building administrator or Superintendent's designee.

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B. Request to Inspect and Review Education Records

A parent or eligible student may request to inspect and review the student's education records.

1. Submit the request in writing to the school principal or Superintendent's designee.
2. The district will verify the identity and authority of the requester when appropriate.
3. The school or department will identify the responsive education records.
4. Records containing information about other students will be reviewed and redacted as required.
5. The district will provide reasonable access to the records and reasonable explanations or interpretations upon request.
6. The district will comply with the request within a reasonable period of time, but no later than 45 days after the receipt of the request.
7. Copies or another appropriate means of access will be provided when circumstances effectively prevent the requester from exercising the right to inspect and review the records.
8. Education records will not be destroyed while an outstanding request to inspect and review those records is pending.

C. Request to Amend Education Records

A parent or eligible student may request amendment of a record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

1. Submit a written request identifying the record and the specific information believed to be inaccurate, misleading, or otherwise in violation of privacy rights.
2. The appropriate administrator will review the challenged information.
3. The district will notify the requester of its decision.
4. If the request is denied and a hearing is required under FERPA, the district will provide the opportunity for a hearing.
5. The district will maintain any required statement of disagreement with the record.
6. The amendment procedure is not intended to challenge a grade, opinion, or substantive decision of a school official unless the circumstances provide a basis under FERPA for amendment.

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D. Student Record Disclosure Procedure

Before releasing personally identifiable information from an education record, the employee or administrator responsible for the record shall determine whether the disclosure is authorized.

1. Determine whether the recipient has a legitimate educational interest or other legal authority to receive the information.
2. If prior consent is required, obtain written consent before disclosure.
3. Written consent must identify:
 - a. The records to be disclosed;
 - b. The purpose of the disclosure; and
 - c. The person or class of persons to whom disclosure may be made.
4. Confirm that the disclosure is limited to information reasonably necessary for the authorized purpose.
5. Document the consent or disclosure when required by FERPA.
6. Do not rely on a FERPA exception as a general authorization to release student information. Each disclosure must meet the requirements of the applicable exception.

E. Disclosure Without Prior Consent

When disclosure without prior consent is requested, the responsible administrator shall identify the specific FERPA or legal exception permitting or requiring disclosure.

1. Identify the applicable exception.
2. Confirm that all requirements of the exception are satisfied.
3. Release only information permitted under the exception.
4. Document the disclosure when required.
5. Consult the Superintendent or designee when the legal basis for disclosure is unclear.

Examples of disclosures that may be permitted without consent include school officials with legitimate educational interest, transfers, certain audits or evaluations, authorized studies, certain state or federal request, valid judicial orders or subpoenas, qualifying health or safety emergencies, and directory information.

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F. School Official and Legitimate Education Interest

Access to education records shall be limited to school officials who have a legitimate educational interest.

1. Determine whether individual qualifies as a school official under FERPA and district requirements.
2. Determine whether access is reasonably necessary to perform assigned responsibilities or provide, manage, or support educational services.
3. Provide access only to the records or information reasonably necessary for that purpose.
4. Review access permissions periodically and remove access when no longer appropriate.
5. Contractors, consultants, volunteers, and service providers may access education records only when they meet applicable FERPA and district requirements.

G. Electronic Student Information

Student education records maintained electronically shall receive the same privacy protections as paper records.

1. Use only district-approved accounts, applications, devices, and storage location.
2. Protect passwords and authentication credentials.
3. Do not share accounts or passwords.
4. Do not use personal email, personal accounts, unauthorized applications, or unauthorized storage locations for personally identifiable student information.
5. Use reasonable safeguards when transmitting student information electronically.
6. Report suspected unauthorized access, disclosure, loss, or security incidents immediately to the appropriate administrator or district department.
7. Follow district requirements for retention and secure destruction.

The policy specifically prohibits employees from using personal accounts, unauthorized applications, or unauthorized storage locations to transmit or maintain personally identifiable student information.

H. Third-Party Access to Student Information

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A contractor, consultant, software provider, cloud service, or other third party may receive student information only when the arrangement complies with FERPA, Delaware law, and district requirements.

1. Obtain appropriate district approval before providing student information to a third party.
2. Confirm that an appropriate contract or other legally sufficient arrangement is in place.
3. Confirm limitations on the use and redisclosure of student information.
4. Confirm required privacy and security safeguards.
5. Provide only the information necessary for the authorized purpose.
6. Do not permit a third party to use student information for purposes inconsistent with FERPA, applicable law, or the terms of the disclosure.

I. Records of Disclosures

The district shall maintain records of requests for access to and disclosures of personally identifiable information when required by FERPA.

1. Record the disclosure when required by FERPA.
2. Identify the parties involved as required by applicable federal regulations.
3. Maintain the disclosure record with the appropriate education record or district recordkeeping system.
4. Provide parents and eligible students access to the record of disclosures to the extent required by FERPA.

J. FERPA Complaint

A parent or eligible student who believes the district has violated FERPA may raise concern through the district.

1. Submit the concern to the building principal, supervisor, or Superintendent's designee.
2. The district will review the concern and applicable records, policies, and procedures.
3. The district will communicate the outcome of the review as appropriate.
4. The district will take corrective action when warranted.
5. Nothing in the district process limits the individual's right to file a complaint with the

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U.S. Department of Education Student Privacy Policy Office.

K. Questions and Unclear Requests

When an employee is uncertain whether student information may be accessed, shared, copied, or released:

STOP AND DO NOT RELEASE THE INFORMATION

The employee shall:

1. Protect the information.
2. Consult the building administrator or appropriate district administrator.
3. Identify the purpose of the requested access or disclosure.
4. Determine whether consent or another legal authorization is required.
5. Document the decision when appropriate.

When in doubt, student information shall not be disclosed until the appropriate district administrator has reviewed the request.

Approval Acknowledged by:



Deborah Judy
Superintendent of Schools

Procedure Actions
Adopted: 9/18/16
Revised: