

## **Model Notification of Rights under FERPA for Elementary and Secondary Schools**

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. All student records shall be treated as confidential and primarily for local school use unless otherwise stipulated.

Under the provisions of the Family Educational Rights and Privacy Act (FERPA) parents of students and eligible students (those who are 18 or older) are afforded various rights with regard to educational records which are kept and maintained by the school. In accordance with FERPA, you are required to be notified of those rights which include:

- The rights to review and inspect all of your educational records excepting those which are specifically exempted.
- The right to prevent disclosure of personally identifiable information contained in your educational records to other persons with certain limited exceptions. Disclosure of information from your educational records to other persons will occur only if:
  - we have your prior written consent for disclosure;
  - the information is considered directory information and you have not objected to the release of such information (see "Directory Information," p. 7); and disclosure without consent is permitted by law.
- The right to request your educational records be amended if you believe your record is misleading, inaccurate, or otherwise in violation of your rights. The right includes the right to request a hearing at which you may present evidence to show why the record should be changed if your request for an amendment to your records is denied in the first instance.
- The right to file a complaint with the Family Policy and Regulations Office at the U.S. Department of Education if you believe USD 421 has failed to comply with FERPA's requirements. The address of this office is 400 Maryland Ave. SW, MES, Room 4074, Washington, D.C. 20202.
- The right to obtain a copy of USD 421 policies for complying with FERPA. A copy may be obtained from the superintendent, 421 6<sup>th</sup> Street. Lyndon, KS 66451

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that Lyndon USD 421, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Lyndon USD 421 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 Lyndon USD 421 to include this type of 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* (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. § 503(c).]

If you do not want Lyndon USD 421 to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 1st. Lyndon USD 421 has designated the following information as directory information:

- Student name
- Telephone listing
- Electronic mail address
- Dates of attendance
- Grade level
- Degrees and honors received
- Weight and height on a officially recognized athletic team
- Participation in officially recognized sport or activity
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc.
- Address
- Photograph
- Major field of study
- Institutions attended
- Date and place of birth
- Awards received

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 Lyndon USD 421 Schools receives a request for access.

Parents or eligible students should submit to the school 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 an 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 Lyndon USD 421 Schools to amend a record should write the school 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. A school official is a person employed by the school 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 or contractor outside of the school who 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 has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another 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. FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Lyndon USD #421 Schools to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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