

****681F1 – Student Records: FERPA Annual Notice of Rights:** We have updated this policy to include a reference to the provision in Idaho Code §33-209 that requires school districts to transfer records relating to discipline or violent or disruptive behavior in a sealed envelope to a requesting school district. We have also updated information as to where complaints regarding FERPA issues may be made, as the name of the office has changed from the Family Policy Compliance Office to the Student Privacy Policy Office. We have also updated legal references.

**Soda Springs School District No. 150
Family Educational Rights and Privacy Act (FERPA)
Annual Notice of Rights**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("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 forty-five (45) days of the day the district receives a request for access.

Parents or eligible students should submit to *[school official]* a written request that identifies the record(s) 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 a record should submit a written request to *[school official]*, 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 district will notify the parent or eligible student of the decision and advise them 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 privacy of personally identifiable information (PII) in 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 district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the

school board; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving 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.

Pursuant to Idaho Code §33-209, upon request, the district 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. Consistent with Idaho law, school records containing information concerning violent or disruptive behavior or disciplinary action involving the student (including suspension and expulsion) are included in the information provided to a requesting district, provided that any such records will be contained in a sealed envelope marked to indicate the confidential nature of the contents and addressed to the principal or other administrative official of the school. [NOTE: This section is optional; however, 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.]

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- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name, address and phone number of the office that administers FERPA:

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Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920
1-800-USA-LEARN (1-800-872-5327)

Deleted: Family Policy Compliance

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in 34 C.F.R. §99.31 (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, 34 C.F.R. §99.32 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:

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- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests, including, but not limited to, contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions.

- *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.*
- *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 Idaho State Department of Education. Disclosures under this provision may be made 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.*
- *In connection with financial aid for which the student has applied or which the student has received, if the information is necessary 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.*
- *To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.*
- *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.*
- *To accrediting organizations to carry out their accrediting functions.*
- *To parents of an eligible student if the student is a dependent for IRS tax purposes.*
- *To comply with a judicial order or lawfully issued subpoena.*
- *To appropriate officials in connection with a health or safety emergency.*
- *Information the school has designated as "directory information".*