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Family Education Rights and Privacy Act (FERPA) Protocols
Policy Series: 3000 Students

Policy No. 3210
Procedure 1

Definitions:

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1. "School Official" means a person employed by or acting on behalf of the District who has a legitimate educational interest in accessing a student's education records in order to fulfill assigned professional responsibilities. This includes teachers, administrators, supervisors, school board members, support staff (such as health, counseling, clerical, transportation, food service, safety, and IT personnel), and law enforcement or school resource officers assigned to the District.
2. "Legitimate educational interest" means access to the education record is necessary to perform a task related to the individual's professional duties for the District.
3. "Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education, at which point all rights under the Family Educational Rights and Privacy Act (FERPA) transfer from the parent to the student. An eligible student has the right to access, inspect, and request amendment of the student's education records, and to consent to the disclosure of personally identifiable information from those records, and to deny any such access to others including parents, except as otherwise permitted by law.

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Family Educational Rights and Privacy Act (FERPA) Protocols

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1. General Procedures:
 - a. A copy of the Annual FERPA Notice must be included in the student registration process. Provo City School District's online registration process will include the FERPA notice, and parents will have to acknowledge receipt of the policy and agree to any student information that is shared (i.e. media release, directory information).

- 40 b. The Annual FERPA Notice will be posted on the Provo City School District
41 website, ~~and/or otherwise widely distributed and available to~~
42 ~~parent(s)/guardian(s).~~
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44 c. The Provo City School District Notice for Directory Information will be included in
45 the school registration process, and posted on the Provo City School District
46 website. ~~and/or otherwise widely distributed and available to~~
47 ~~parent(s)/guardian(s).~~
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49 2. Denial of Release of Student Information:

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51 a. When a school receives either a parent's/guardian's, or eligible student's written
52 request, using the district student registration process, to deny the release of the
53 student's directory information, the school will enter the request into the student
54 information system in a timely manner and in such a way that any employee
55 being asked to provide student information may readily determine whether a
56 request has been made to deny disclosure of the student's information.
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58 b. ~~When parent(s)/guardian(s) or eligible student chooses the option of denying the~~
59 ~~release of directory information, they are opting out of the release of all~~
60 ~~designated information, except to the extent that FERPA authorizes disclosure~~
61 ~~deemed by the district as necessary to protect the health or safety of the student~~
62 ~~or other individuals. and disclosure to school officials with legitimate educational~~
63 ~~interests. If a parent, guardian, or eligible student chooses to deny the release of~~
64 ~~directory information, they are opting out of sharing all designated information.~~
65 ~~However, there are exceptions. The district may still disclose information if~~
66 ~~allowed under FERPA to protect the health or safety of the student or others.~~
67 ~~Information may also be shared with school officials who have a legitimate~~
68 ~~educational interest.~~
69
70 ~~c. A school official is a person employed by the district as an administrator,~~
71 ~~supervisor, instructor, or support staff member (including health or medical staff~~
72 ~~and law enforcement unit personnel); a person serving on the school board; a~~
73 ~~person or company with whom the district has contracted to perform a special~~
74 ~~task (such as an attorney, hearing officer, auditor, medical consultant, therapist,~~
75 ~~or app/website); or a parent/guardian or student serving on an official committee,~~
76 ~~such as a disciplinary or grievance committee, or assisting another school official~~
77 ~~in performing his/her tasks. A school official has legitimate educational interest if~~
78 ~~the official needs to review an education record in order to fulfill his or her~~
79 ~~professional responsibility.~~
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81 d. Parent(s)/guardian(s) may not select items or circumstances under which some
82 information may or may not be released.
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- 84 e. ~~Once an eligible student or parent(s)/guardian(s) have made a request to deny~~
85 ~~the release of the student's information, the request will be effective in~~
86 ~~successive school years, unless changed in writing by the eligible student or~~
87 ~~parent(s)/guardian(s).~~ Parental permission to either deny or allow the release of
88 the student's information must be renewed annually during the registration
89 process.
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- 91 f. Each school will monitor requests to deny release of their students' directory
92 information to ensure that the request is honored.
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- 94 g. At the high school level, all requests for student names, addresses and
95 telephone listings received from military recruiters or institutions of higher
96 education will be referred to the Provo City School District Office of Student
97 Services for a response.
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- 99 h. Before releasing student directory information, the Superintendent's Designee
100 ~~Assistant Superintendent of Student Services~~, or school administration, or
101 ~~designee~~ will review the district database to verify that parent(s)/guardian(s) or
102 eligible student's requests to deny release of the student's information have been
103 correctly entered into the Student Information System.
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- 105 i. The district will not release directory information of any eligible student who has
106 requested, or whose parent(s)/guardian(s) have requested that the information
107 not be released.
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109 3. Requests to Review Student Records:

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- 111 a. Parents and legal guardians of students currently enrolled or eligible students
112 may submit a written request to the school principal or designee to review or
113 obtain copies of the student's records.
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- 115 b. Before allowing a person access to student records, school personnel must verify
116 the identity of the person making the request. The district designates certain
117 student information as Directory Information. Such information may be released
118 without parental/guardian consent; however, student information should not be
119 released routinely on request from the public. School employees should contact
120 Student Services if they have questions about requests they may receive.
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- 122 c. Access to school records under FERPA pertains only to official educational
123 records, such as grades, attendance, and other information found in the
124 cumulative file. It does not extend to classroom records held by an individual
125 teacher, principal, counselor or other staff.
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- d. Schools are not required to prepare special reports or to recreate lost or destroyed records to satisfy a request for student records.
 - e. Copies of records must be provided to parent(s)/guardian(s), and students at a reasonable **minimal** cost. Inability to pay reproduction costs may not prohibit access to the record itself.
 - f. Requests for access to records should be granted in a timely manner and no longer than 45 days from the date of the request.
 - g. Schools must maintain a record of each request for access to, and each disclosure they make from an education record.
 - h. The record of access must include the name(s) of party(ies) who have requested or received information from the records and the reason for the request.
 - i. A copy of the signed parent/guardian consent to NOT release a record must be kept on file.

146 4. Custody Issues and Non-Custodial Parent Requests for Information & Contact:

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- a. Non-custodial parent/guardian has the right to access their student's record unless the school is presented with a court order that prohibits the non-custodial parent/ guardian from such access.
 - b. Custodial parent/guardian may not prohibit the non-custodial parent's/guardian's access to their child's record unless prohibited by court order.
 - c. Non-custodial parent/guardian must make a written request to obtain their student's educational record.
 - d. Schools will not accept or honor any standing request for periodic release of records to non-custodial parent/guardian.
 - e. FERPA applies only to written educational records. It does not govern personal contacts, visits, or conferences.
 - f. Typically, parent(s)/guardian(s) do not visit children at school during school hours, regardless of whether the parent(s)/guardian(s) have custody. If a school permits parent(s)/guardian(s) to visit their child during school hours, and there is a court order regarding custody, a noncustodial parent/guardian may only have access to the child with the permission of the custodial parent or as specifically authorized in the court order.

- 171 g. School personnel are prohibited from writing letters of support for parent(s)/
172 guardian(s) who are involved in legal custody disputes or proceedings, nor may
173 they be acting as a mediator for custody disputes or visitation disagreements.
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- 175 h. In situations where legal custody cannot be verified or staff cannot determine
176 who has legal authority over and access to the child, the school will:
- 177 i. Allow only the person who enrolled the student to un-enroll the student;
 - 178 ii. Contact a police officer or DCFS and release the student to one of them
179 when parties are in conflict and cannot agree upon to whom the student
180 may be released.
- 181
- 182 i. If any person causes a disruption on a school campus, the principal has the legal
183 authority to require disruptive parent(s)/guardian(s) or other adults to refrain from
184 coming on to school property without making arrangements through him or her.
185 Principals can deny such persons any access to school property if there is safety,
186 annoyance, or potential injury concerns, [Utah Code 53G-8-603](#). ~~53A-3-503~~ The
187 principal should notify the person in writing of his or her decision about their
188 access.
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190 5. Requests to Amend Student Records:

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- 192 a. If a parent(s)/guardian(s) believes their student's record contains information that
193 is inaccurate, misleading or in violation of the student's right of privacy, they may
194 request that the record be amended or corrected.
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 - 196 b. Parents or guardians should submit a written request to the principal for a review
197 of their student's record. The parent(s)/guardian(s) should cite information they
198 believe to be inaccurate, misleading or a violation of their child's privacy rights
199 and provide any documentation that supports their belief.
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 - 201 c. The principal will review the record and gather more information which may
202 include conferencing with the parent(s)/guardian(s) to clarify their concerns. The
203 principal will render a decision within 20 school days of the receipt of the request.
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 - 205 d. If parent(s)/guardian(s) wish to appeal the principal's decision, they may send a
206 written request for a hearing to the ~~Teaching and Learning Office~~ **Assistant**
207 **Superintendent over Elementary or Secondary Education** within ten (10) school
208 days of the principal's decision.
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 - 210 e. The ~~Teaching and Learning Office~~ **Assistant Superintendent of Elementary or**
211 **Secondary Education** will refer the appeal to the ~~Assistant Superintendent~~
212 **Director** of Student Services who will conduct a hearing within 20 school days in
213 which the parent(s)/guardian(s) have the opportunity to present evidence
214 supporting their request that the record be changed.

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- f. Parent(s)/guardian(s) may be assisted or represented by one or more individuals, including their attorney; however, parent(s)/guardian(s) must give advanced notice if they intend to bring legal counsel so that the district has the opportunity to have legal representation as well.
- g. The ~~Assistant Superintendent~~ **Director** of Student Services will render a written decision within 20 school days. The decision will include a summary of the evidence and the reasons for the decision.
- h. If the decision is made to amend or correct the student's record, the amendment will be made and the parent(s)/guardian(s) will be informed of the amendment in writing.
- i. If the ~~Assistant Superintendent~~ **Director of** Student Services determines that the record will not be changed, the parent(s)/guardian(s) may place a statement in the record commenting on the contested information and/or an explanation of why they disagree with the district's decision.

6. Requests for Records by Subpoena or in an Emergency:

- a. Before releasing student information when subpoenaed by law (unless otherwise ordered in the subpoena not to), the school should notify the parent(s)/guardian(s) that their child's record has been subpoenaed so that the parent(s)/guardian(s) have the opportunity to seek legal counsel.
- b. School officials may disclose student information to appropriate parties in an emergency situation, if the sharing of information is necessary to protect the health or safety of the student or others.

7. Notification and Requests to Review Materials under [Protection of Pupil Rights Amendment \(PPRA\)](#):

- a. Parents or guardians must receive notification at least two weeks before any survey, analysis, or evaluation may be administered to students or any planned activities or class assignments are implemented, if the content relates to one or more of the eight protected areas under PPRA.
- b. Parents or guardians must give written consent for their student to participate in any of the above named activities.
- c. School staff will provide appropriate consent forms to parent(s)/guardian(s) and will monitor student participation as per written parental/guardian consent.
- d. Parents or guardians may waive the two-week minimum notification period.

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e. Parents or guardians will have access to and the opportunity to review any and all materials, surveys, assignments, or evaluations if the content relates to any of the protected areas under PPRA.

8. Media Requests and Internet Safety:

a. Unless the release of a student’s information has been denied as described in the Annual FERPA Notice, the student may be photographed or videotaped by news media during coverage of school events or programs.

Legal References

[Utah Code § 53G-7-204 \(2018\)](#)

Adopted: February 11, 2020
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