

## Model Notification of Rights under FERPA

Public schools should review the model Family Education Rights and Privacy Act (FERPA) notice below and consider adopting it to meet the needs of their particular school. Under FERPA, public schools are required to provide parents and students with an annual notice of their rights under FERPA. It should be advertised in a manner reasonably expected to reach all parents and students of the District by means of the school calendar, handbook, local newspaper, etc.

Items 1-4 in the sample notice below must be included in a public school's annual FERPA notice, although a public school should modify the [*italicized*] areas of the model notice to match the specifics and desires of their entity. Further, if a school wishes to release "directory information" without first obtaining parental consent, it also must include the optional notice below related to "directory information." If a parent or eligible student objects to the release of directory information after the optional notice is given, then it may not be released. If the optional "directory information" notice is not included, then it is unlawful to release any such directory information without parental consent. For instance, strictly speaking, it may be a violation of FERPA for a public school to publish a football program with players' names, to list the honor roll in the local paper or to name the valedictorian publicly, etc., unless it has complied with the "directory information" notice provisions of FERPA.

### [Sample] Notification of Rights under FERPA

The Family Education 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. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the [*school*] receives a request for access. Parents or eligible students should submit to the [*school principal or appropriate school official*] a written request that identifies the record(s) they wish to inspect. The [*school principal or appropriate 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 or misleading. Parents or eligible students may ask the [*school*] to amend a record that they believe is inaccurate or misleading. They should write the [*school principal or appropriate school official*], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. 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 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 the [*school*] is notified of the request for a hearing.
- (3) The right to consent to disclosures of personally identifiable information contained 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 education 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); a person serving on the school board; a person or company with whom the [school] has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or 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. *(Optional) [Upon request, the school discloses education records without consent to officials of another school in which a student seeks or intends to enroll.]*

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school system to comply with the requirements of FERPA. The name *and* address of the Office that administers FERPA is: Family Policy Compliance, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605

### **Directory Information Notice *(optional)***

The [school] may disclose certain information, known as directory information, in its discretion without consent. Directory information is generally not considered harmful or an invasion of privacy if released. Directory information may be disclosed to entities such as outside organizations that manufacture class rings or publish yearbooks. In addition, two federal laws require schools receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents or students have advised the school that they do not want the student's information disclosed without their prior written consent.

Parents or eligible students may refuse to let the [school] release any or all of this information. If you do not want this information released, you must send written notice annually to [office] before [date]. Forms are available from that office. The following information regarding students is considered directory information: (1) name, (2) photo, (3) e-mail address [*we recommend that student e-mail addresses never be given out under any circumstances for safety reasons*], (4) home address, (5) telephone number, (6) date and place of birth, (7) major field of study, (8) participation in officially recognized activities and sports, (9) weight and height of members of athletic teams, (10) dates of attendance, (11) degrees and awards received, (12) the most recent previous educational agency or institution attended by the student, and (13) [*other similar information that would not generally be considered harmful or an invasion of privacy if disclosed*].

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.