

Request To Deny Public Access To Directory Information and Annual Notification Of Rights Under The Family Educational Rights And Privacy Act (FERPA)

Under the Family Educational Rights and Privacy Act (FERPA), a parent/guardian of a student or
an 18-year-old student attending the district may restrict the release of student data by completing this form

A. STUDENT DATA/DIRECTORY INFORMATION: The following student data is considered directory information, which is public information under Minnesota law: name, date and place of birth, participation in officially recognized activities and sports, height and weight of members of athletic teams, degrees and awards received, dates of attendance.

If you wish to restrict the release of any of the above student data, such data will NOT be released for any purpose including, but not limited to, the following, except as permitted by law: requests from post-secondary institutions including scholarship mailings; mailing list requests from PTSAs; sporting programs/newsletters; and school newsletters and related publications, including, but not limited to: honor and merit rolls list, school newspaper articles, special awards, yearbook (inclusion in), graduate list, web page publishing.

B. ARMED SERVICES – GRADES 11 AND 12 ONLY: The Minnesota Legislature has amended the Data Practices Act, *M.S. 13.32, Subd. 5a*, stating that schools must now release to military recruiting officers the names, addresses and home telephone numbers of students in grades 11 and 12, UNLESS the parent/guardian or student has checked “2” in the OPTIONS section below, signed, dated, and returned this form.

OPTIONS:

1. Allow ALL student data to be published/distributed as defined in “A” and “B.” (DO NOT RETURN FORM)

Options 2, 3 and 4 – Place a check in the applicable box(es) and complete Section C before returning this form:

- 2. Deny student data as defined in “B” from distribution to the armed services.
- 3. Deny ALL student data as defined in “A” from publication or distribution.
- 4. Deny only the following student data as defined in “A” and/or “B” from publication or distribution.

Please list the specific data from Section “A” and/or Section “B” that you do not want released:

If you check option 2, 3 or 4, you MUST complete and sign Section C below and return this completed form to the school office by the end of September. Doing so will EXCLUDE student data from being published. If you have any questions, please contact the school principal. You are encouraged to review the notice and district regulations included with this form. The district’s complete policies are available on the district’s website (www.ISD709.org) under the “District/Policies” tab.

C. SIGNATURES: If you opt to deny student data from publication, this form **MUST** be signed by the parent/guardian or adult student (18 years of age or over).

Student Name (*Please print*) _____

School _____ Grade _____

Parent/Legal Guardian of Minor Student _____ Date _____

Student’s signature (*if 18 years of age or over*) _____ Date _____

**NOTE: This request remains in effect for the current school year only.
This form must be completed annually and returned to the school office by the end of September.**

Notification of Rights Under The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) provides rights related to educational records to parents of students and to 18-year-old students currently in attendance. This Act gives the parent, guardian, or 18-year-old student the right to:

- 1) inspect and review the student's educational records;
- 2) make copies of these records;
- 3) ask for an explanation or interpretation of any item in the records;
- 4) consent to the disclosure of personally identifiable information in the student's records that is not otherwise authorized to be disclosed without consent;
- 5) ask for an amendment to any record on the grounds that it is inaccurate, misleading or violates the student's privacy rights;
- 6) a hearing on the issue if the school refuses to make the amendment; and
- 7) file a complaint with the U.S. Department of Education under *34 C.F.R. §§ 99.63 and 99.64* concerning alleged failures by the school district to comply with the federal data privacy requirements.

District Policy No. 5060.2R, cited in part below, includes the procedures for exercising the right to inspect and review educational records and for requesting an amendment of student records.

The District may disclose private educational data on students to school officials who have a legitimate educational interest in the information without obtaining the student's or the parent's consent. The term "school official" includes a person duly elected to the school board, a person employed by the school board in the position of administrator, supervisor, teacher, instructor, paraprofessional, health-related professional, and other professionals. It also includes a person employed by the school board to perform a special task such as a secretary, a clerk, or a person employed or acting as an agent in a temporary position, such as an attorney or an auditor, or a professional substitute for the period of his or her performance as an employee or under contract for a service. The term also includes a parent or student serving on an official committee, such as a disciplinary or grievance committee. "School official" also means a contractor, consultant, volunteer, or other party with whom the District has outsourced institutional services or functions for which the District would otherwise use employees. For example, a parent, student, or other volunteer assisting another school official in performing his or her tasks would be considered a school official.

The term "legitimate educational interest" includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and a student's health and welfare. It includes a person's need-to-know in order to:

- a. Perform an administrative or professional task required in the school employee's, agent's, consultant's or volunteer's position description, service agreement, volunteer agreement, or other term and condition governing the scope of an individual's responsibilities as a District employee, contractor, consultant, or volunteer.
- b. Perform a supervisory or instructional task directly related to the student's education.
- c. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The District, without consent, may disclose a student's educational records to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. *District Policy No. 5060.3R* governs the transfer of records.

District Policy References

District Policy 5060.3R

Transfer of Student Records Within the School District

When a student is enrolled, who has transferred from another school within the School District, the receiving school shall notify the sending school of said enrollment and shall request all records pertaining to the enrollee. The transfer of such records shall not require the written permission of either student, parent or guardian providing the disclosure is to other school officials, including teachers, that are determined to have legitimate educational interests in the information. Records to be transferred include: the Permanent Record Card, the Cumulative File, Health Records, and the Clinical File should one be in existence. Principals are responsible for safe and efficient records transfer. All students including homeless students will be immediately enrolled.

Transfer of Student Records Outside the School District

The School District may release personally identifiable information from an education record of a student without written consent if

1. The disclosure is to officials of other schools or school systems in which the student seeks or intends to enroll,
2. The student's parent or guardian is notified of the transfer (Notification of Transfer of Student Records to School Outside District 709) and receives a copy of the record if desired, and
3. The student's parent or guardian has an opportunity for a hearing to challenge the content of the record.

The School District shall receive written verification prior to the transfer that the transferee will not permit any other party to have access to such information without the written consent of the parent or guardian of the student.

Whenever possible and practical, written permission to release individual student information should be the method of choice. The use of Release of Personal Information Form, or a comparable form, will accomplish the requirement for signed release should the need arise. The above conditions also apply to applications of high school students sent to post-secondary institutions.

Requests for Transfer of Student Records from Another School District

When a student is enrolled who has transferred from a school in another school district, the receiving school shall notify the sending school of said enrollment and shall request (Request Transfer of Student Records from School Outside District 709 Form) records pertaining to enrollee. While the transfer of such records may not require the written permission of either student, parent or guardian, the written consent (Release of Personal Data Form) to release information may speed the transfer of information important to the continuation of the student's education. All students including homeless students will be immediately enrolled.

Release of Student Records to Non-School Recipients

No person, agency, or institution shall have access to a student's records except under the following conditions:

1. When proper written consent has been obtained from students 18 years of age or a student's parent or guardian. The written consent must specify the records to be released and to whom they may be released. Each request for consent must be made separately. No blanket permission for the release of information shall be allowed.
2. By judicial order or lawfully issued subpoena, upon condition that parents or guardians and the student are notified of all such orders or subpoenas in advance of the compliance therewith by the School District, unless prior notification is not required under applicable law or is otherwise prohibited.
3. When student data is required for research purposes and the data will be released in a summary form and individual student data will be unidentifiable.
4. Under any other circumstance in which state or federal law allows the District to disclose a student's records to a school official or another person, agency, or institution without prior written consent from a parent or student.

Directory Information

The school district shall release Directory Information as public information upon request and payment of a fee to cover the costs of publication. All requests for such Directory Information will be directed to the Data Processing Department (CAB) for processing. Under federal law and regulation, Directory Information includes:

- Name
- Date and place of birth
- Participation in officially recognized activities and sports
- Height and weight of members of athletic teams
- Dates of attendance
- Degrees and awards received

The school district will, prior to the start of every school year, give notice to the parent or guardian of every student that:

1. The above items will be designated as directory information.
2. The parent or the adult student has the right to refuse to permit the school district to designate some or all of the categories as directory information with respect to that particular student and;
3. The parent, guardian or adult student has 14 calendar days from the opening day of the school year to notify, using the form provided, the principal of the school the student is attending that this information is NOT to be so designated as to that student.

Information that the school district does not designate as directory information or that the parent, guardian or adult student objects to the designation in the manner provided above, remains as private information and may be released only as described in this regulation.

District Policy 5060.2R – Examination of Records

Examination of Records

Upon written request, an individual shall be informed as to whether he/she is the subject of stored data. Upon further request, the individual, or parent or guardian in the case of a minor, shall be shown the data within a reasonable period of time and without any charge. (Upon request of the individual, parent or guardian, provision for access to the records must be made no later than 45 days after the request has been made.) A school official competent in interpreting records should be available to explain the meaning and implications of certain data included in the records. Requests to review student data shall be submitted to the building principal.

After being shown and informed about data contained within the records, the student, parent or guardian need not be given access to the data again for six months thereafter, unless additional data has been collected. An entry in the Record of Inspection shall also be completed.

The School District shall provide copies of the records upon request of the subject individual, parent or guardian in the case of a minor, providing that the cost of such reproduction is borne by the requesting individual.

Exceptions

1. *Desk Drawer Information:* Student records maintained by instructional personnel are not deemed School District data and need not be disclosed to the student, parent or guardian if they meet all of the following qualifications:
 - a. They are in the sole possession of the maker;
 - b. They are not accessible or revealed to any other individual except a substitute teacher; and
 - c. They are destroyed at the end of the school year.
2. The Superintendent, or his/her designee, is required to provide notification to minor students of their right to request denial of access to the parent or guardian. The Superintendent, or his/her designee, has the authority to withhold certain data from parents or guardians if the Superintendent, or his/her designee, determine that withholding the data would be in the best interests of the minor student. Such notification should be made part of the student bulletin at each school building or should be included in the Directory Information notice to households.

District Policy 5060.2R – Right To Challenge Student Records

Right to Challenge Student Records

Following the examination of a student's records by the student, parent or guardian, he/she may elect to contest the accuracy or completeness of the records. If so, the following procedures are to be observed:

1. The student or parent is to notify the responsible authority in writing, describing the nature of the challenge.
2. The responsible authority shall, within thirty (30) days, correct or delete the data if it is found to be inaccurate, incomplete, or irrelevant. He/she must also attempt to notify past recipients of the correcting actions.
3. If the responsible authority finds the data to be accurate and complete, he/she will notify the contesting individual within thirty (30) days that the alleged inaccuracy, incompleteness, or irrelevancy is denied.
4. Should the student or parent choose to appeal the responsible authority's determination, an impartial review panel shall be established by the Superintendent. The burden of proof as to the accuracy of the record shall be on the School District. If the review panel finds the information to be inaccurate, incomplete, or irrelevant, the records shall be corrected.
5. Should the review panel support the responsible authority's contention that the record is accurate, complete, and relevant, the student and his/her parent or guardian shall have the right to prepare and sign written objections to the information. The written objections shall be made a permanent part of the record in question.

District Policy 5022 – Staff Notification of Violent Students, Parental Notice

V. Parental Notice

The administration will notify parents that it gives classroom teachers and other school staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at the time a Notice about the student's violent behavior under this policy is first provided or if it is changed. In addition, the administration will notify parents that this Notice is an educational record and will be transferred to an enrolling school district.

Parents will be given notice that they have the right to review and challenge records or data, (including the data documenting the history of violent behavior), under both state and federal law as set forth in the school district Data Practices Policy.