

# Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act is a federal law that protects the privacy of student education records and gives parents certain rights with respect to their children's education records. "Student education records" include any records maintained by a school or the district that are directly related to the student. These rights transfer to the student when he or she reaches the age of 18. These are "eligible students."

Schools or the district may disclose, without prior written consent, appropriately designated "directory information"; that is, information that is generally not considered harmful or an invasion of privacy if released, unless parents/guardians or eligible students advise the district to the contrary as provided on the district's Directory Information Form.

Lexington County School District One classifies the following student information as directory information: name; address; telephone number; photograph; date and place of birth; major field of study; dates of attendance; school and grade level; participation in officially recognized activities and sports; weight and height of members of athletic team(s); degrees, honors or awards received; the most recent educational agency or institution attended; and district-assigned student identification number (not Social Security Number), user ID or other unique personal identifier.

FERPA affords parents and students who are 18 years of age or older 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 that the school receives a request for access.**

Parents or eligible students should write a letter to the school principal and identify the record(s) they wish to inspect. The principal will make arrangements for access to those records, and will notify the parent or eligible student of the time and place where they may inspect those records.

Schools do not provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for those copies.

**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 Lexington County School District One to amend a record they believe is inaccurate should write the school principal. In that letter, they should not only clearly identify the part of the record they want changed, they should also specify why they believe 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 advise them of their right to a hearing regarding the request for amendment.

School administrators will provide additional information regarding the district's hearing procedures when they notify the parent or eligible student of the right to a hearing.

**3. The right to provide written consent before the district discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception allows the district to disclose education records to school officials with legitimate educational interests without consent. A school official has a legitimate educational interest if that official needs to review an education record in order to fulfill his or her professional responsibility.

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) or a person serving on the

district's Board of Trustees. A school official may also 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 employee(s) and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information 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. Upon request and without consent, the district discloses education records to officials of another school district when a student seeks or intends to enroll in that district, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

FERPA permits the disclosure of personally identifiable information from students' records upon request and without consent if the disclosure meets certain conditions found in §99.31 of the 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, §99.32 of the FERPA regulations 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, without obtaining prior written consent of the parents or the eligible student, disclose personally identifiable information from the education records of a student to the following:

- school officials, including teachers, within the educational agency or institution who the school has determined to have legitimate requirement of educational records, including contractors, consultants, volunteers or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(l)(i)(B)(1)–(a)(l)(i)(B)(2) are met.
- officials of another school, school system or institution of postsecondary education where the student seeks to enroll or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34.
- authorized representatives of the United States Comptroller General, the United States Attorney General, the United States Secretary of Education, or state and local educational authorities, such as the South Carolina Department of Education. Disclosures under this provision may be made, subject to the requirements of §99.35, 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. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation or enforcement of compliance activity on their behalf.
- appropriate parties 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, amount of or conditions of the aid, or to enforce the terms and conditions of the aid.
- state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38.
- 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.
- accrediting organizations to carry out their accrediting functions.
- parents of an eligible student if the student is a dependent for IRS tax purposes.
- appropriate officials to comply with a judicial order or lawfully issued subpoena.
- appropriate officials in connection with a health or safety emergency, subject to §99.36.
- officials with information the school has designated as "directory information" under §99.37.

#### **4. The right to file a complaint with the United States Department of Education concerning alleged failures by the district 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.